

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2729 of 2015

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1. Akhileshwar Ram, S/O- Late Dinesh Ram, R/O- Village- Bharuli, P.S.- Aander,
District- Siwan, presently S.I. (Suspended), P.S. Saur Bazar, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Home (Police) Department, Government of Bihar, Patna
3. The Director General of Police, Government of Bihar
4. The Deputy Inspector General of Police, Kosi Range
5. The Superintendent of Police, Saharsa
6. The Dy. S.P., Simri Bakhtiyarpur Sub Division cum Enquiry Officer of
Departmental Proceeding No. 16/14

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandan

For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-02-2015

The scope of departmental proceeding and the scope of criminal proceeding are totally different. A departmental proceeding is held for the object and purpose whether such a person with such charges is required to be retained in service or not. Criminal proceeding can only lead to imprisonment or appropriate fine, if the allegation of demanding and begetting bribe is established before a vigilance court. Therefore, the prayer of the petitioner that the departmental proceeding should be stayed till conclusion of the criminal proceeding is only a ploy to ensure that the criminal case will drag on for years and the petitioner can comfortably retire without any damage being done to him with status as a government

servant. No case, therefore, is made out for any kind of direction for staying the departmental proceeding.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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