

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19935 of 2014

Sanjay Kumar Singh Son of Sri Ambika Prasad Singh, resident of Village-Nadiyaeen, P.S.- Barun, District- Aurangabad, Executive Engineer, Public Health Engineering Department, District- Samastipur, Presently (under suspension) posted in the office of Regional Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna
3. The Additional Secretary, Public Health Engineering Department, Government of Bihar, Patna
4. The Joint Secretary, Public Health Engineering Department, Government of Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. T. N. Maiteen, Sr. Adv.
Mr. Ram Naresh Sharma
For the Respondent/s : Mr. Shivendra Kishore, AAG-7
Mr. Sanat Kumar Mishra, AC to AAG-8
Mr. Rohit Mishra, AC to AAG-8

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-01-2015 Heard the parties.

The petitioner has filed the present writ petition assailing the validity and correctness of the resolution dated 06.12.2013 (Annexure-5) issued under the signature of the respondent no.3, whereby for the charges of misconduct a departmental proceeding under the provisions of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 has been initiated. The Enquiring Officer as also the Presenting Officer have also been appointed by the aforesaid resolution.

The issues of facts raised on behalf of the petitioner for assailing the validity of the impugned resolution cannot be gone

into at this stage. It is well within the domain of the Enquiring Officer and subsequently the disciplinary authority. The present writ petition is not only premature, but seems to be completely misconceived. It is, accordingly, dismissed.

However, the petitioner shall be at liberty to raise all the issues of facts and issues of law, which are available to him, before the Enquiring Officer as also the disciplinary authority. The respondents are hereby directed to conclude the impugned departmental proceeding pending against the petitioner at an early date preferably within a period of four months from the date of receipt/ production of a copy of this order. The petitioner shall also be obliged to co-operate for early conclusion of the departmental proceeding and he shall be given full opportunity to place all the relevant materials in support of his defence.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--