

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4605 of 2015

=====

Smt. Poonam Sinha @ Poonam Devi @ Poonam wife of Late Umesh Singh,
Resident of Village - Sriwar Gopal, Police Station- Naubatpur, District- Patna, at
present Head Clerk , Sub-Divisional Office Tekari, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Tekari, Sub-Division, Gaya.
4. The Additional Collector, (Departmental Enquiry, Gaya).
5. The Senior Deputy Collector cum Conducting Officer, Gaya.
6. The Circle Officer, Block Belaganj, District- Gaya.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh

For the Respondent/s : Mr. SC2- NAWAL KISHORE SINGH

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-03-2015

A K Tripathi, J.

There is no dispute that a vigilance case under various sections of the IPC and Prevention of Corruption Act was instituted in which petitioner was also chargesheeted. By now the law is well settled that pendency of the criminal case itself may not be adequate ground to stay a departmental proceeding against a government servant since the ambit, scope and the standards of proof of evidence in both the proceedings are far-far apart. The object and purpose for the two proceedings is also totally different. If that be so, then there is difficulty for this Court to stay the departmental proceeding merely because the allegation against the petitioner is also subject matter of judicial scrutiny by a criminal court.

2. This Court has further no hesitation in observing that since criminal cases and vigilance cases take years or decades to be decided, a government servant runs through the length of service even if charges are serious in nature. It

will be highly prejudicial both to an employee as well as the disciplinary authority where allegation remains on paper and burden is carried by both. Obviously, leaving the matter only to the vigilance court may not be good in public interest and in interest of good administration.

3. The opinion expressed above is only with regard to the prima facie allegation. It is always in the interest of a government servant to come clean after going through the enquiry so that he can lead a dignified life not only in society but also amongst the colleagues in the office.

4. Writ application in the above circumstance is dismissed. No interference with the departmental proceeding is required.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

U			
---	--	--	--