

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10364 of 2013**

=====

Madan Prasad Srivastava, Son of Late H.N. Srivastava, Resident of Flat No. 302,  
Ashirvad Apartment, Nageshwar Colony, Boring Road, Patna

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. Chief Secretary, Bihar, Patna Secretariat, Patna
3. Road Construction Department through its Secretary, Road Construction  
Department, Patna Secretariat, Govt. of Bihar, Patna
4. The Secretary, Road Construction Department, Patna Secretariat, Govt. of Bihar,  
Patna
5. The Deputy Secretary - Cum - Chief Vigilance Officer, Road Construction  
Department, Patna Secretariat, Govt. of Bihar, Patna

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Advocate  
Mr. Amit Prakash, Advocate

For the Respondent/s : Mr. Rajesh Kumar, AC to AAG-3

=====

**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

**ORAL JUDGMENT**

**Date: 20-03-2015**

Heard learned counsel for the petitioner as also the  
petitioner in person.

2. Initially this writ petition was filed assailing the  
order bearing Memo No. 7958(s) dated 04.07.2007, Annexure-1  
whereunder petitioner was placed under suspension pursuant to  
lodging of a criminal case by the Vigilance Bureau alleging that he  
was found taking bribe of Rs. 50,000/- on 04.06.2007 after a trap was  
laid against him vide Vigilance P.S. Case No. 073/07 dated  
05.06.2007. In the light of the suspension order a departmental



proceeding was also initiated for the charge of accepting bribe of Rs. 50,000/-. The Enquiry Officer submitted report, Annexure-3 exonerating the petitioner holding that petitioner Executive Engineer having imposed penalty of Rs. 16.64 lakhs on the contractor, the contractor managed with the Vigilance Bureau and got the petitioner arrested in a false case for not executing the agreement, which he had already executed four months earlier. In appreciation of such fact if the Enquiry Officer exonerated the petitioner, enquiry report having already been accepted by the Departmental Secretary as also the Departmental Minister the matter ought not to have been referred to the Chief Secretary to take a different view in the matter holding that the Enquiry Officer went beyond his jurisdiction to accept the contention of the petitioner that there was no occasion for him to have accepted the bribe of Rs. 50,000/- for executing the agreement which he had already executed four months earlier.

3. The Chief Secretary having taken note of the findings recorded by the Vigilance Bureau that at the time of laying trap, recovery of cash from the petitioner his fingers did turn pink after his hands were dipped in the solution concluded that unless petitioner is exonerated in the criminal case the report of the Enquiry Officer cannot be accepted and ordered for a de novo enquiry. The view taken by the Chief Secretary, as noted in the order impugned,

bearing Memo No. 4066(s) dated 22.05.2013, Annexure-5, which the petitioner assailed by filing I.A. No. 4533 of 2013, appears to be a reasonable view and in that view of the matter while dismissing the writ petition affirming the order contained in Memo No. 22.05.2013, Annexure-5, I direct the departmental authorities to pursue the vigilance case by appearing in court and making available the witnesses on the date fixed. Special Judge (Vigilance-1), Patna is directed to expedite the trial and conclude the same as early as possible, in any case, within six months from the date of receipt/production of a copy of this order in the court below.

4. Let a copy of this order not only be sent to the Secretary, Road Construction Department but also to the Special Judge (Vigilance-1), Patna for ensuring its compliance within the time indicated above.

**(V.N. Sinha, J.)**

Rajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|