

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.224 of 2015
In
Civil Writ Jurisdiction Case No. 10227 of 2013

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TEJ NARAYAN SINGH, SON OF LATE RN SINGH, RESIDENT OF MUHALLA
HARNICHAK, POLICE STATION BEUR, DISTRICT PATNA Petitioner

Versus

The State of Bihar & Ors Respondent

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. AK Singh, Sr. Advocate ,
Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 09-12-2015

Heard learned counsel for the petitioner as well as

learned counsel appearing for the Public Service Commission.

The petitioner was an official in Public Service Commission. He was departmentally proceeded and was removed on 30.11.2012. He challenged entire disciplinary proceeding including order of removal in C.W.J.C. No. 10227 of 2013. It was noticed by this Court that the materials collected in course of investigation were relied upon in disciplinary proceeding, but without it being proved by any witness, which was in teeth of observation made in Roop Singh Negi Vs State of Punjab, reported in 2006 Vol. VII SCC. In aforesaid case Hon'ble Apex Court observed that evidence collected, in course of, investigation in criminal cases cannot be treated as evidence, unless it is proved by a witness and not by mere presentation of the presenting office.

As a result, the impugned order of punishment was set

aside with liberty to the respondent to proceed with in accordance with the observation made in Roop Singh Negi case.

Petitioner states that more than a year passed, the disciplinary proceeding has not yet been concluded. Furthermore, the proceeding is not continuing in terms of observation made in paragraph 15 of the order passed in writ case bearing C.W.J.C.No. 10227 of 2013. He further made a grievance that even admissible retiral dues are not being paid.

So far as the second grievance is concerned, Mr. Amresh Kumar Sinha, learned counsel appearing for the Commission assures the Court that the admissible dues would be duly sanctioned shortly and the necessary payments would be made through treasury. As far as the departmental proceeding is concerned, he assured on behalf of the Commission that the same would be concluded within five months from today.

The Commission would strictly observe the time limit. Any complacency would have adverse inference. The petitioner too would cooperate in the proceeding.

The contempt petition is disposed of.

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(Samarendra Pratap Singh, J)