

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 19321 of 2015

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Nagrik Adhikar Manch through its Executive Member, namely,
Ranjeet Pandit, Son of Parsuram Pandit, Resident of village -
Gajipur, P.S. - Ufroul, Via - Deshri, District - Vaishali at Hajipur.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary (Home), Police Department, Government of Bihar, Patna.
4. The Deputy Secretary to the Government (Home), Police Department, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Principal Secretary, Agriculture Department, Government of Bihar.
7. The Principal Secretary, Panchayati Raj Department, Government of Bihar.
8. The Union Government of India through Secretary, Home Department, Government of Bihar.
9. The Secretary, Home Department, Government of Bihar.
10. The Secretary, Agriculture Department, Central Government, New Delhi.
11. The Secretary, Department of Personnel and Training, Union Government of India, New Delhi.
12. The Director, C.B.I., New Delhi.
13. The Accountant General, Bihar, Virchand Patel Path, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dinu Kumar, Adv.
For the State of Bihar : Mr. Lalit Kishore, Sr. Advocate
(PAAG-I)
Mr. Bishwa Bibhuti Kr. Singh,
Adv. (AC to PAAG-I)
For the Union of India : Mr. Ram Anurag Singh, Adv.
For the Economic Offence Unit : Mr. Akhileshwar Pd. Singh,
Sr. Advocate
Mr. Rajeev Ranjan Prasad, Adv.
For the Accountant General : Mr. Madhuresh Prasad, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT & ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)**

Date: 07-09-2016

The present application, under Article 226 of the Constitution of India, has been filed, in the nature of Public Interest Litigation, seeking a direction for investigation by the Central Bureau of Investigation (C.B.I.) into the financial irregularities, defalcations and misuse of public money to the tune of Rs. 52,42,21,09,891/- (Rupees Five Thousand and Two Hundred Forty Two Corers Twenty One Lakh Nine



Thousand Eight Hundred Ninety one) only, inasmuch as utilization certificates, for the financial year 2008-09 to 2014-15, by the State officials, showing the manner in which the said amount has been spent, have not been submitted.

2. We have heard Mr. Dinu Kumar, learned Counsel, appearing on behalf of the petitioner, Mr. Lalit Kishore, learned Principal Additional Advocate General No.-I, appearing on behalf of the State of Bihar, Mr. Ram Anurag Singh, learned Counsel, appearing on behalf of the Union of India, Mr. Akhileshwar Prasad Singh, learned Senior Counsel, appearing on behalf of the Economic Offence Unit, and Mr. Madhuresh Prasad, learned Counsel, appearing on behalf of the Accountant General.

3. The petitioner claims to be a registered society, engaged in social work including raising issues of corruption in society and plundering of public money.

4. The petitioner is said to have learnt through a letter, dated 30.07.2015, issued under the signature of Joint Secretary, Agriculture Department, Government of Bihar, that the said amount has not been accounted for inasmuch as the required utilization certificates, by the concerned officials, have not been submitted.



5. A counter affidavit has been filed on behalf of the respondents-State of Bihar stating therein that a total amount of Rs. 5242.21/- crores was withdrawn by the Department of Agriculture, Government of Bihar, during the period in question. It has been further stated that utilization certificate, under the head of additional subsidy, has been adjusted by the Accountant General, Bihar, Patna, but the utilization certificate of Bills withdrawn on the basis of vouchers, under the heads of subsidy and small works etc., have been returned by the Accountant General, Bihar, Patna, in view of a communication, dated 20.05.2013, made by the State Finance Department.

6. It has, however, been stated in paragraph 9 of the counter affidavit that out of total amount, which remained to be adjusted, as alleged in the writ application for want of utilization certificate, only an amount of Rs. 312.51/- crores is now remaining to be adjusted because of the effective steps taken by the State of Bihar.

7. Mr. Lalit Kishore, learned Principal Additional Advocate General No. I, appearing on behalf of the State of Bihar, has submitted that sometimes delay takes place in adjusting the amount, in the absence of utilization certificates, for *bona fide* reasons. According to



him, there is no material on record to demonstrate that any amount has been misappropriated and, at the maximum, it can be said that, in terms of Financial Rules, the amount released to the Agriculture Department, Government of Bihar, could not be adjusted for want of necessary utilization certificates.

8. Mr. Lalit Kishore has further submitted that as on the date, only 103.86/ crores is pending adjustment for want of utilization certificates as against the amount released to the Agriculture Department, Government of Bihar, for the period in question. Referring to a communication, dated 05.09.2016, issued by the Agriculture Department, Government of Bihar, made to him, he has submitted that the rest of the amount is likely to be adjusted within a period of 1 (one) month from today.

9. Considering the submission, as above, we dispose of this application with an observation that the State-respondents, apart from adjusting the rest of the amount in accordance with the extant Financial Rules, shall ensure that in future, utmost care and caution be taken so as to ensure that utilization certificates are made available by the concerned officials, expeditiously and without any unreasonable delay to the authority

concerned.

10. With the aforesaid observations and directions, this application stands disposed of with liberty to the petitioner to approach this Court, in future, if any situation arises warranting this Court’s interference.

(I. A. Ansari, CJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.09.2016
Transmission Date	N/A