

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17438 of 2013

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1. Ram Chandra Tiwary son of late Surya Tiwary, resident of Hari Charan residency, Flat no. 101, Ambedkar Path, Nandanpuri, Police Station Shashtri Nagar, Dist- Patna.
 2. Maheshwar Manjhi, son of late Ramswarup Manjhi resident of village Sargatti, Post office and police station Garkha, Dist. Saran.
 3. Subhash Chandra Bhatt, son of Sri Sirish Chandra Bhatt, Resident of village-Kishanpur Yusuf, Post office Halai, Police Station Halai, District Samastipur.
 4. Raj Bahadur Singh son of late Rajballabh singh resident of Deendayal Nagar, Near Ram Nagar Dhala and in front of Essar Petrol Pump, post office Sandha Mathia, Police station- Mofassil Chapra, Dist-Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Principal Secretary, Rural works Department, Government of Bihar, Patna.
4. The Secretary Co-operative Department, Bihar, Patna.
5. Registrar, Co-operative Society Bihar, Patna.
6. The District Magistrate-cum Collector, Saran, Chapra.
7. Executive Engineer-cum-Inquiry officer, Technical Cell, Cabinet Vigilance Department, Barrack no.3, Main Secretariat, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Tiwari, Advocate.

For the Respondent/s : Mr. A. N.Sinha GP-11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 30-06-2016 As prayed, let correction in the name of petitioner no.1 be made in course of the day.

Heard the counsel for the petitioner and the State.

Diverse counter affidavits have been filed on behalf of the respondents.

Petitioners during the relevant time were holding



the posts of responsibility in the Water Resources Department, Govt. of Bihar. Certain adverse reports were received. A complaint before the Lok- Ayukta, Bihar was registered in which an enquiry was made. This was on the basis of a complaint lodged against the grave financial irregularities committed by the delinquents in the earth work of an embankment located in Saran District. Such proceeding was initiated under Section 10 of the Bihar Lokayukta Act, 1973 (for short 'the Act') in which charges were framed and the petitioners were allowed to file show cause(s) upon notice.

Considering the materials available on record including the written defence, learned Lokayukta found the allegations/charges proved and vide an order dated 22.4.2013 passed in case no. 13 of 2007 made a recommendation for imposing punishment of recovery of the monetary loss sustained by the Government proportionately . The respondents have acted on such recommendation and the recoveries appear to have been made.

Contention of the petitioner is that the learned Lokayukta can not pass an order of such nature. It is only a recommendatory body. The respondents have opposed the writ petition and submitted that on going through the impugned order

(Annexure-1) it would appear that the learned Lokayukta has actually made recommendations. Such recommendations were made as provided under Section 12(3) of the Act. The authorities have taken action on such recommendation and recoveries have been made. As there was no recommendation for taking criminal proceeding against the petitioners, the same has not been resorted to. It is incorrect to submit that the learned Lokayukta actually passed the order directing recovery.

I am unable to appreciate the contention of the petitioners that such order be treated in breach of the provisions contained under Section 12(3) of the Act. No other legal flaw/lacunae has been pointed out to this Court in the consideration of the matter by the learned Lokayukta. In my view, the writ application deserves to be dismissed. I order accordingly.

There shall be no order as to costs.

(Kishore Kumar Mandal, J)

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