

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13616 of 2008

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Rana Umesh Prasad Singh, son of Sri Rana Jagarnath Prasad Singh, resident of
Village- Raspur Patasia, P.S.- Mohiuddin Nagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Road Construction Department, Government of Bihar,
Bishweshwaraiya Bhawan, Bailley Road, Patna.
3. The Engineer –in- Chief, Road Construction Department, Government of Bihar,
Bishweshwaraiya Bhawan, Bailley Road, Patna.
4. The Chief Engineer, Road Construction Department, North Bihar Wing,
Darbhanga.
5. The Chief Engineer, Road Construction Department, Ganga Bridge Project
Wing, Patna.
6. The Superintending Engineer, Road Construction Department, North Bihar
Circle, Muzaffarpur.
7. The Deputy Secretary, Road Construction Department, Government of Bihar,
Bishweshwaraiya Bhawan, Bailley Road, Patna.
8. The Executive Engineer, Road Construction Department, Ram Nagar, West
Champaran.
9. The Executive Engineer, Road Construction Department, West Champaran.
10. The Executive Engineer, Road Construction Department, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
Mr. Ravi Ranjan

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-09-2016

Heard Mr. S.B.K. Manglam, learned counsel appearing
for the petitioner and Mr. Saroj Kumar Sharma, learned Assisting
Counsel to Additional Advocate General No.3 for the State.

The petitioner is aggrieved by the order dated 12.3.2007
passed by the Chief Engineer, Road Construction Department,
Ganga Bridge Project Wing, Patna, whereby the petitioner has been

dismissed from service.

Facts of the case briefly stated is that the petitioner was appointed as Accounts Clerk and he joined the service on 28.2.1983. Owing to certain allegations of financial irregularities that the petitioner was put under suspension on 1.12.2000 vide Annexure-1. A charge-sheet followed vide Annexure-2 listing 8 charges. The petitioner filed reply contesting each of the charges. The then Superintending Engineer vide his order dated 26.2.2003 annexed at Annexure-9 in consideration of the explanation given by the petitioner while revoking the order of suspension, has proceeded to hold that in case the criminal proceeding initiated against the petitioner for the same set of charges would result in his conviction then he shall have to face the consequences. The order of the Superintending Engineer placed at Annexure-9 was interfered with by the Engineer –in- Chief who vide order passed on 14.8.2003 quashed the same, a copy of which is placed at Annexure-11. The Engineer –in- Chief by the same order taking note of the fact that the order of exoneration was passed by the Superintending Engineer two days before his retirement, issued direction to the present incumbent on the post of Superintending Engineer to furnish his report on the allegation. Vide Annexure-12 which is dated 25.8.2003 orders were issued by the Superintending



Engineer to the Executive Engineer, Road Division, Ram Nagar to relieve the petitioner for giving joining at head office. The order dated 14.8.2003 placed at Annexure-11 together with the order dated 25.8.2003 of the Superintending Engineer was questioned by the petitioner before this Court in CWJC No.5252 of 2004 and a Bench of this Court vide order passed on 30.1.2006 in consideration of the argument of the petitioner that the orders were passed behind his back, quashed the two orders and the matter was remitted to the Engineer –in- Chief to pass a fresh order in accordance with law.

On remand the Chief Engineer vide order dated 19.10.2006 placed at Annexure-15 put the petitioner on notice requiring an answer to the enquiry report which was served on the petitioner along with the letter dated 6.3.3006 of the Superintending Engineer placed at Annexure- 16. The petitioner filed his reply vide Annexure-17 and whereafter the impugned order of dismissal has been passed vide Annexure-18 on 12.3.2007 by the Chief Engineer. The petitioner being aggrieved is before this Court.

In between the petitioner filed appeal before the Commissioner –cum- Secretary on 20.4.2007 vide Annexure-19/1. A review was also filed on 22.2.2008. While the outcome of the appeal is yet not known to the parties, in so far as the review petition filed by the petitioner is concerned a communication dated

17.4.2008 placed at Annexure-19 would reflect that the State Government on review has asked the petitioner to await the outcome of the criminal proceedings.

Mr. S.B.K. Manglam has appeared for the petitioner while the State is represented by Mr. Saroj Kumar Sharma, learned Assisting Counsel to Additional Advocate General No.3 and in view of the position reflecting from Annexure-19 Mr. Manglam chooses not to press this writ petition for the present with a liberty to raise the same subject to the outcome of the criminal proceedings.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-09-2016
Transmission Date	NA