

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.835 of 2016

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Syed Ali Abbas Son of late Syed Hasan Resident of Mohammadpur Mubarak, Po Purushottampur, District Muzaffarpur at present House No. 13/74, Alinagar, Anisabad Road, No. A/1, Patna Petitioner

Versus

1. The State of Bihar
 2. The Principal Secretary, Water Resource Department ,Govt. of Bihar, Patna.
 3. The Joint Secretary, (Management) , Water Resource Department ,Govt. of Bihar, Patna.
 4. The Under Secretary, (Management) , Water Resource Department ,Govt. of Bihar, Patna.
 5. The Engineer-in-chief, (Madhya) , Water Resource Department ,Govt. of Bihar, Patna.
 6. The Additional Secretary, (Vigillance) , Water Resource Department ,Govt. of Bihar, Patna. Respondents
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with

Civil Writ Jurisdiction Case No.873 of 2016

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Ras Bihari Dubey, Son of Late Ram Krishna Dubey, Resident of Lakha Dihara P.O.- Dumraon, District- Buxar, at present Lekhanagar, Danapur Khagaul Road, District- Patna. Petitioner

Versus

1. The State of Bihar
 2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
 3. The Joint Secretary, (Management), Water Resource Department, Govt. of Bihar, Patna.
 4. The Engineer-in-Chief, (Madhya), Water Resource Department, Govt. of Bihar, Patna.
 5. The Additional Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna.
 6. The Under Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna. Respondents
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with

Civil Writ Jurisdiction Case No.874 of 2016

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Satya Narayan Mandal, Son of late Ram Lakhan Mandal, Resident of Lohiyanagar Main Road, Bhawdepur, Ward No. 20, P.O- Sitamarhi Bazar, District- Sitamarhi. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
3. The Joint Secretary, (Management), Water Resource Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief, (Madhya), Water Resource Department, Govt. of Bihar, Patna.

5. The Additional Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna.

6. The Under Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna. Respondents

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with

Civil Writ Jurisdiction Case No.915 of 2016

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Jivan Kumar Verma Son of Late Upendra Prasad Verma Resident of Gopal Krishna Kutir, Lal Darwaja, Munger District – Munger Petitioner

Versus

1. The State of Bihar.

2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.

3. The Joint Secretary (Management), Water Resources Department, Govt. of Bihar, Patna.

4. The Engineer-in-Chief, (Madhya), Water Resource Department, Govt. of Bihar, Patna.

5. The Additional Secretary (Vigilance), Water Resource Department, Govt. of Bihar, Patna.

6. The Under Secretary (Vigilance), Water Resource Department, Govt. of Bihar, Patna. Respondents

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with

Civil Writ Jurisdiction Case No.980 of 2016

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Hari Narayan Pandey Son of Muni Ram Pandey, Resident of B/10, Krishinagar, A.G. Coloney, Behind IGIMS, District- Patna . Petitioner

Versus

1. The State of Bihar

2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna

3. The Joint Secretary (Management), Water Resources Department, Govt. of Bihar, Patna

4. The Engineer-in-Chief (Madhya), Water Resources Department, Govt. of Bihar, Patna

5. The Additional Secretary, (Vigilance), Water Resources Department, Govt. of Bihar, Patna

6. The Under Secretary (Vigilance), Water Resources Department, Govt. of Bihar, Patna Respondents

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with

Civil Writ Jurisdiction Case No.995 of 2016

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Mankeshwar Nath Singh Son of Late Sheo Prasad Singh, Resident of H/o Binod Kumar Singh, Adarsh Colony, Kalambagh Road, Muzaffarpur, P.S. + District - Muzaffarpur. Petitioner

Versus

1. The State of Bihar

2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.

3. The Joint Secretary (Management), Water Resource Department, Govt.

of Bihar, Patna.

4. The Engineer-in-Chief, (Madhya), Water Resource Department, Govt. of Bihar, Patna.
5. The Additional Secretary (Vigilance), Water Resource Department, Govt. of Bihar, Patna.
6. The Under Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna. Respondents

with

Civil Writ Jurisdiction Case No.1107 of 2016

Jamadar Chaudhary Son of Late Bhikhari Chaudhary Resident of Village - Pakri Srikant, P.O. - Phulwaria, District - Gopalganj, at present Devasthan Road, Harnichak, District - Patna - 800002. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Joint Secretary, (Management), Water Resource Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief, (Madhya), Water Resource Department, Govt. of Bihar, Patna.
5. The Additional Secretary (Vigilance), Water Resource Department, Govt. of Bihar, Patna.
6. The Under Secretary (Vigilance), Water Resource Department, Govt. of Bihar, Patna. Respondents

with

Civil Writ Jurisdiction Case No.1204 of 2016

Ramji Prasad Srivastava @ R. P. Srivastava Son of Late Brajnandan Prasad Srivastava Resident of Village + P.O. - Susta (Madhopur), P.S. - Muzaffarpur, District - Muzaffarpur. Petitioner

Versus

1. The State of Bihar.
2. The Joint Secretary, (Management), Water Resource Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief, (Madhya), Water Resource Department, Govt. of Bihar, Patna.
4. The Additional Secretary (Vigilance), Water Resource Department, Govt. of Bihar, Patna.
5. The Under Secretary (Vigilance), Water Resource Department, Govt. of Bihar, Patna. Respondents

with

Civil Writ Jurisdiction Case No.1262 of 2016

Surendra Kumar Sharma, Son of Sri Ram Sharma, Resident of Village + P.O- Dumraon, District- Buxar at present Rampur House, Pathar Gali, Saristabad, Gardanibagh, District- Patna Petitioner

Versus

1. The State of Bihar

2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
3. The Joint Secretary (Management), Water Resource Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief (Madhya), Water Resource Department, Govt. of Bihar, Patna.
5. The Additional Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna.
6. The Under Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna. Respondents

with

Civil Writ Jurisdiction Case No.1319 of 2016

Shuja Ulla Khan Son of Late Rafat Ulla Khan Resident of village - Sirsa, P.O. + P.S. Puranpur, District - Pilibhit (U.P.) Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna
3. The Joint Secretary, (Management), Water Resource Department, Govt. of Bihar, Patna
4. The Engineer - in - Chief, (Madhya), Water Resource Department, Govt. of Bihar, Patna
5. The Additional Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna
6. The Under Secretary, (Vigilance), Water Resource Department, Govt. of Bihar, Patna Respondents

Appearance :

(In CWJC No.835 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate

For the Respondent/s : Mr. Karandeep Kumar, AC to GP 4

(In CWJC No.873 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate

For the Respondent/s : Mr. Gp5- Rajiv Roy

(In CWJC No.874 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate

For the Respondent/s : Mr. Sc29- R.R.K. Pandey

(In CWJC No.915 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate

For the Respondent/s : Mr. Prashant Kr.Choudhary, AC to GP 8

(In CWJC No.980 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate

For the Respondent/s : Mr. Gp6- Prashant Pratap

(In CWJC No.995 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate

For the Respondent/s : Mr. Sc30- Avinash Kumar

(In CWJC No.1107 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate

For the Respondent/s : Mr. Ritesh Kumar- Sc33

(In CWJC No.1204 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate
For the Respondent/s : Mr. Aag3-Roy Shivajee Nath
(In CWJC No.1262 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate
For the Respondent/s : Mr. D.K. Sinha- AAG2
(In CWJC No.1319 of 2016)

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate
For the Respondent/s : Mr. Rajiv Kumar, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 21-01-2016

All the petitioners are Junior engineers in the Water Resources Department. In the year 2007 they were departmentally proceeded for committing alleged illegalities and irregularities in making estimate for construction of Seva Path of Patna Main Canal Division, Bihta, Digha and Khagaul. Copy of the charge memo is contained in Annexure 1. The petitioners and others filed their sow cause reply. A vigilance enquiry was also directed vide letter dated 29.9.2008, in which enquiry, petitioners were not found guilty of the allegations. A copy of vigilance report dated 23.9.2009 is annexed as Annexure 2. Petitioners submit that after three and a half years another charge sheet was issued to them for same set of allegations as contained in charge sheet, dated 23.5.2007 (Annexure 1), which is not sustainable in law. They submit that the said departmental proceeding has not been concluded as yet even after nine years, which is depriving them of the benefits of promotion/NACP. Some of the petitioners, namely, Ras Bihari

Dubey and Jamadar Chaudhary have already been retired on 28.2.2015 and 31.1.2014 respectively.

I have heard learned counsel for the parties.

Though the disciplinary authority would be within its right to initiate departmental proceeding for an alleged act of misconduct or for an act of non-becoming of a Government servant, nonetheless the delinquent Government servant too has a right to expeditious disposal of such proceeding, so that if ultimately they are exonerated they would be saved from the unwarranted harassment for over long period of time. In this view of the matter, the writ petitions are disposed of with direction to the respondents, particularly the Conducting officer to ensure early disposal of the proceedings, preferably within six months from the date of receipt of this order. In case, the departmental proceeding is not concluded within the aforesaid period it would be open for the petitioners to move this Court seeking appropriate order in the matter including quashing of the proceedings. As two of the petitioners have already retired, the proceeding against them only under Rule 43B of the Bihar Pension Rules would be permissible.

It goes without saying that in case the departmental proceeding is not concluded within the aforesaid period,

petitioners would be entitled to benefits accruing under law which would be subject to final result of the departmental proceeding.

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(Samarendra Pratap Singh, J)