

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25628 of 2013

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1. Amresh Kumar S/O Arjun Chaudhary Resident Of Village- Jahangirpur, Sham, P.S- Desari, District- Vaishali At Present Posted As Panchayat Rozgar Sewak, Gram Panchayat, Jahangirpur Sham, Block- Desari, P.S- Desari, District- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Secretary, Department Of Rural Development, Patna, Bihar.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur, Bihar.
3. The District Magistrate, Vaishali At Hazipur, Bihar
4. The Deputy Development Commissioner, District- Vaishali, Bihar.
5. The Director, Account Administration District Rural Development Authority, Vaishali.
6. The Programme Officer- Cum- Block Development Officer, Block Desari, Vaishali.
7. The Sub- Divisional Officer, Mahnar, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SHAKIL AHMAD KHAN

For the Respondent/s : Mr. SUBHASH PD. SINGH

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 22-07-2016

Heard the counsel for the petitioner and the State.

The petitioner during the relevant time served as Panchayat Rozjar Sewak. In execution of certain projects/schemes, the respondent(s) found financial irregularities and embezzlement of Government fund. By the impugned order dated 18.11.2013 (Annexure-1), the District Programme Officer, Desari, called upon the petitioner to deposit the amount failing which the penal action would be initiated. Be it noted that being the Panchayat Rozgar Sewak, the petitioner was the executing agency of those

works/schemes. On going through the order, it appears only an opportunity was given to the petitioner to pay back the Government money allotted for execution of the scheme which remained unutilized. The respondents-State is yet to take any action against the petitioner.

It has been submitted on behalf of the petitioner that the said communication dated 18.11.2013, was challenged by two other addressees namely, Bikrant Kumar @ Bikrant Singh and Goutm Kumar in writ petitions before this Court vide C.W.J.C. No. 291 of 2014 and 423 of 2014, respectively. This Court by a proceeding dated 26.06.2015, disposed of both the writ application(s) and the impugned communication in so far as they relate to the petitioners has been set aside.

Obviously, the respondent-District Programme Officer has to apply himself once again to the facts of the case, so that appropriate steps as required in law is taken. While doing so, the case of the petitioner shall also be considered afresh by the respondents as if no such finding or inquiry report in relation to the petitioner was submitted. In other words, the case of the petitioner shall also be examined and appropriate steps shall be taken by the respondent(s) including the District Programme Officer in the light of the order dated 26.06.2015, passed in the aforesaid two cases.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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