

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.459 of 2017

=====

Ramparvesh Chauhan, Son of Jagdish Prasad Chauhan, Resident of Lane- 3-B,
Bank Colony, Gola Road, P.S.- Danapur, District- Patna. At present in the office of
District Sub Registrar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. The Special Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Departmental Enquiry Commissioner General Administration Department Government of Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjit KAumar, Adv.
Mr. Kundan Kumar, Adv.
Mr. Dilip Kumar, Adv.

For the Respondent/s : Mr. Pawan Kumar, AC to GA-1

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 24-03-2017

Heard Mr. Ranjit Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Pawan Kumar, learned Assisting
Counsel to Government Advocate No.1 for the State.

This is a second round application by the petitioner. His
earlier round culminated in the order dated 11.9.2015 passed in
CWJC No.3803 of 2015. The writ petition was disposed of in the
following terms:

“21. The last submission of Mr. Kumar that the
petitioner has not been supplied with the relevant
document so as to enable him to file his written
statement of defence remains wholly unsubstantiated,
inasmuch as, from the reading of the memo of charge,
it would be clear that the letter of the Vigilance
Department bearing no. 218 dated 28.08.2014 along



with its enclosure of 18 pages as well as another letter no. 2309 dated 10.09.2014 running into 21 pages have already been supplied to the petitioner along with memo of charge and therefore, if the petitioner finds the necessity of any other document beyond the memo of evidence including memo of charge, it would be open for him to file application for supply of such document by disclosing not only the name and content of the document but also its relevance and if the inquiry officer finds that supply of such relevant document is necessary, he would direct the concerned departmental authority either of the Excise and Prohibition Department and/or the Vigilance Department, to supply that document to the petitioner. Once the request for supply of document of the petitioner is disposed of, the petitioner must submit his written statement of defence before the inquiry officer within a period of four weeks, whereafter the departmental proceeding must be brought to an end within a period of six months from the date of filing of the written statement of defence by the petitioner in accordance with law.”

The petitioner questioned the order passed by the Writ Court in L.P.A. No.237 of 2016 but chose to withdraw the same vide order placed at Annexure R/2 of State’s counter affidavit.

The order of the Writ Court was passed on 11.9.2015 and since the enquiry yet remains pending that the petitioner has come to this Court.

It is taking note of the circumstances that the learned State Counsel was directed to explain the reasons for delay and when a counter affidavit is filed explaining the reasons for delay and in reference thereto Mr. Pawan Kumar, learned Assisting Counsel to Government Advocate No.1 has informed that the



petitioner himself is responsible for the delay for he himself has not carried out the obligation in terms of the direction passed by this Court present at paragraph 21 of the judgment passed in CWJC No.3803 of 2015 in the earlier round of proceeding wherein the petitioner was granted liberty to file his written submission and whereafter the Disciplinary Authority was required to conclude the proceedings within six months of filing of written statement.

Although it is argued by Mr. Ranjit Kumar, learned counsel appearing for the petitioner that repeated attempt was made on the part of the petitioner to file his written submission with no success but in my opinion this submission is without support because there is nothing on record to suggest that any such steps was taken by the petitioner. The delay thus is entirely on the petitioner. In the order of this Court annexed at Annexure 7 would show that the Bench taking note of the plea of the petitioner regarding non-supply of the documents observed that although the evidence has been handed over to the petitioner along with the charge memo but in case the petitioner desires any other document for preparing his written submission, he may file such application before the Enquiry Officer who was given liberty to see the necessity of such documents and dispose of the same. As I have observed that the obligation cast on the petitioner to file his written



submission, has not been discharged and it is also not the stand of Mr. Ranjit Kumar, learned counsel for the petitioner that the petitioner does not wish to file any written submission.

In the circumstances discussed the delay whatsoever is entirely attributable to the petitioner and since the directions are already present in the judgment passed in the previous round of proceedings nothing further needs to be done in the present proceeding.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06-042017
Transmission Date	NA

