

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16898 of 2016

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1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
 2. The Chief Personnel officer, East Central Railway, Hajipur, Vaishali.
 3. The General Manager (Vigilance)/Chief Vigilance Officer, East Central Railway, Hajipur, Vaishali.
 4. Divisional Railway Manager, Samastipur Division, East Central Railway, Samastipur.
 5. The Senior Divisional Commercial Manager, Samastipur Division, East Central Railway, Samastipur.
 6. The Chief Reservation Supervisor, Darbhanga.

.... Petitioners

Versus

1. Rakesh Kumar S/o late Surendra Prasad Singh residing in the house of Shri B.N. Jha, Colony Lakshmisagar, P.O. Lakshmisagar, P.S. Darbhanga Sadar, District Darbhanga.
2. Sri S.K. Prasad, Inquiry Officer (Vigilance), Office of the Chief Vigilance Officer, East Central Railway, Hajipur, Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar Sinha, Sr. Advocate
Mr. Kumar Manish, Advocate

For the Respondent/s : Mr. Gautam Saha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
And
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 20-06-2017

Heard learned Senior counsel for the
petitioners and learned counsel for the respondents.

Perused the order of the Central
Administrative Tribunal, Patna Bench, Patna, dated
08.05.2015 passed in Original Application No. 329 of



2015.

The Railway is aggrieved by the decision of the Tribunal which has quashed the appointment of one Sri S.K. Prasad as the Inquiry Officer to conduct the inquiry in the set of charges drawn up against the private respondent no. 1.

On the basis of a vigilance raid where certain omission and commission was alleged to have been found, led to drawing up a set of charges and appointment of an Inquiry Officer. An objection was taken by the delinquent that there is every likelihood of bias, since the authority i.e. the Inquiry Officer is part of the establishment of the Vigilance Department, and therefore, he may not get a fair opportunity to defend himself.

Keeping in mind series of decisions of the Hon'ble Apex Court and being satisfied with regard to the objection of the private respondent, the O.A. application was allowed with liberty to the Railways to nominate or appoint a fresh Inquiry Officer. Though, a stand was taken by the respondents, which is reflected in paragraph-5 of the impugned order, the fact stands that there is no clear evidence to belie the apprehension expressed by the private respondent because various



communications which have been made by the Inquiry Officer to the delinquent indicates that it has been issued under the office of the General Manager, Vigilance (Inquiry Section), and, therefore, there is much for the petitioners to explain with regard to the stand taken before the Central Administrative Tribunal.

The Court is not inclined to interfere with the order of the Central Administrative Tribunal, Patna Bench, Patna dated 8th May, 2015.

Let a fresh Inquiry Officer, nothing to do with the Vigilance Department, be appointed, so that the inquiry can be expedited and taken to its logical end, as enough time has already lapsed in this litigation.

The writ application stands dismissed for the reasons as stated above.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/N.A.F.R.

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