

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17080 of 2014

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1. Krishna Deo Mehta son of Sri Mahadeo Mehta resident of village Padum Nagar, P.S. Karzine Bazar, District - Supaul
 2. Prakash Chandra Mandal Son of Tara Chand Mandal resident of village - Palasi, P.S. Narpatganj, District – Araria
- Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna
3. The Manrega Commissioner, Rural Development Department, Bihar, Patna
4. The District Magistrate, Araria
5. The Deputy Development Commissioner, District Rural Development Authority (Manrega Cell), Araria
6. The Executive Engineer, Manrega, Araria
7. The Program Officer, Raniganj, Araria
8. The Program Officer, Narpatganj, Araria
9. The Block Development Officer, Narpatganj, Araria
10. The Mukhiya, Gram Panchayat Raj, Dargahiganj, Narpatganj, Araria

.... Respondents

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Appearance :

For the Petitioners : Mr. Arbind Kumar, Advocate

For the Respondents : Mr. Mritunjay Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-01-2018

Heard counsel for the petitioners and the State.

2. Writ petition has been filed challenging the order dated 16.4.2014 terminating the petitioners' contractual appointment on the ground that they had indulged in fraudulent withdrawal in connection with some works, execution of which were entrusted to them under the Manrega scheme.

3. In relation to some earth filling work in the road embankment undertaken by the petitioners in the year 2011, an inspection was made after two Rainy seasons in March 2013. The petitioners, who were Junior Engineer and Panchayat Rozgar Sevak respectively under the Narpatganj Manrega scheme, submit that behind their back certain findings have been recorded to the extent that they have made fraudulent withdrawal of scheme amount. Counter affidavit placed on record indicates, that during inspection, work has been quantified four times less than what has been shown



in the measurement book.

4. Counsel for the petitioners submits that after more than two years of the completion of the scheme, the enquiry was conducted on 13.2.2013 behind their back. He submit that a good quantity of earth may have been washed away during two monsoon seasons, so the actual assessment of earth filling work cannot be made.

5. Be that as it may, petitioners were working as contractual appointees under the scheme, as per submission of the counsel for the petitioners, the contractual appointments were for one year and two years have lapsed since his termination in 2014.

6. Petitioners' cause has become infructuous. However, it is submitted that the criminal proceeding arising out of the aforesaid transaction is still continuing in Narpatganj Police Station Case No. 89 of 2014. In so far as the realization of the amount caused by the spot enquiry report, submitted by respondent no. 6 contained in Annexure F, this Court is of the opinion that the ends of justice would be met by waiting for the findings of the criminal proceeding, inasmuch as the ex-parte findings of the inspection cannot be made the basis of making recovery from the petitioners.

7. With the aforesaid observations, the writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
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