

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12956 of 2018

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Sanjay Kumar Roy, Son of late Umesh Chandra Roy, Ward No. 16,
Temple, Laxmi Sagar Colony Sadhu Gachhi Lachhmipur, Laxmisagar,
Bahadurpur, P.S. University, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Old Secretariat, Patna.
3. I.G. Of Police, Muzaffarpur.
4. D.I.G. of Police, Tirhut Range, Muzaffarpur.
5. S.P., Sheohar.
6. S.P., Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate
Mr. Maruti Kumar, Advocate

For the Respondent/s : Md. N.H. Khan- SC1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 25-09-2018 Heard learned counsel for the petitioner and learned counsel
for the State.

In the present writ petition, the petitioner is challenging the continuance of Departmental Proceeding No. 13/15 till the disposal of Vigilance P.S. Case No. 21/2015 dated 17.03.2015 under Section 7/2013 (2) read with 13 (2) read with 13 (1) (D) of Prevention of Corruption Act. The petitioner is facing criminal trial as well as departmental proceeding with respect to the same incident.

Learned counsel for the petitioner submits that as per the



Rule 845 of the Police Manual, till the finality of the appeal, the petitioner should not be proceeded under the departmental proceedings, in support of his submission he has placed reliance on the judgment in the case of *Stanzen Toyotetsu India (P) Ltd. Vs. Girish V.*, reported in (2014) 3 SCC 636, which is not applicable to the present case.

The concept is that if the charges in the departmental proceeding and criminal proceeding are identical, in that circumstances, the delinquent should not be compelled to disclose his defence in the departmental proceeding, but in the present case that stage is over, in view of fact that the petitioner has been served notice for passing the final order. Already the petitioner has participated in proceeding and disclosed his defence.

In such circumstances, now nothing survives in favour of the petitioner for compelling the petitioner to participate in the departmental proceeding.

In such view of the matter, this Court does not find any merit in this writ petition.

Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

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