

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14095 of 2014

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Mukesh Kumar S/o Late Dineshwar Singh Rathor R/o Village - Ranipur, P.O.
- Kodra, P.S. - Paliganj, District - Patna, Via - Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Secretary, Minor Water Resource Department, Government of Bihar,
New Secretariat, Patna.
3. The Chief Engineer, Minor Water Resource Department, Government of
Bihar, New Secretariat, Patna.
4. The Superintending Engineer-cum-Conducting Officer, Minor Irrigation,
Gaya Circle, Gaya.
5. The Executive Engineer, Minor Irrigation, Gaya Division, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Singh
For the Respondent/s : Mr.Prashant Kumar, AC to SC 5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-08-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner was working as clerk in the Minor Irrigation department. A complaint was lodged against the petitioner alleging that he was soliciting illegal gratification to facilitate file movement.

Complaint made against the petitioner gave rise to Special case no.31/2005 arising out of Vigilance P.S. case no. 18/2005. In respect of same allegation and based on same set of evidence, petitioner was proceeded against departmentally. Chief Engineer (disciplinary authority) on 18.06.2014 dismissed



the petitioner in the departmental proceeding arising out of the same set of charges. Petitioner filed appeal before the appellate authority. Stand of the respondents in the counter affidavit filed in October, 2014 is that same is under consideration before the appellate authority and that order is likely to be passed therein shortly.

Counsel for the petitioner upon instructions submits that the same has still not been disposed of. Intervening circumstance however, is that in criminal proceeding, petitioner has been acquitted under order dated 18.05.2016 passed by the Special Judge, Vigilance I, Patna.

Since appeal of the petitioner is pending, petitioner can bring this fact to the knowledge of the appellate authority and the law laid down by the Apex Court in the case of Capt. M.Paul Anthony vs. Bharat Gold Mines Ltd & ors reported in (1999) 3 SCC 679 and G. M.Tank vs. State of Gujrat & ors reported in (2006) 5 SCC 446.

Having regard to submission that criminal prosecution as well as departmental proceeding are arising out of the same set of charge based on same set of evidence, petitioner is permitted to supplement his appeal so as to facilitate a decision on the claim of the petitioner in light of two the judgments of



the Apex Court, taken note of above.

Let supplement be made by the petitioner within four weeks. In the event, same is placed on record, appellate authority should give due consideration in light of law declared by the Apex court by reasoned and speaking order expeditiously, without undue delay and preferably within three months thereafter.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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