

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 14394 of 2013**

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Nagendra S/O Late Sheo Das Pradhan Resident Of Parsa Ganda, P.S.- Sikraul,  
District- Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government Of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Road Construction Department, Government Of Bihar, Patna
3. The Joint Secretary, Road Construction Department, Government Of Bihar, Patna
4. The Engineer-In-Chief, Road Construction Department, Government Of Bihar, Patna
5. The Engineer-In-Chief-Cum-Additional Commissioner-Cum-Special Secretary, Road Construction Department, Government Of Bihar, Patna
6. The District Engineer, District Board, Vaishali At Hajipur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : M/s Vinod Gautam, Pramod Singh, Advocates  
For the Respondent/s : Mr Amit Bhushan, AC to GP XVII

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 19-07-2019**

Heard learned counsel for the petitioner and the respondent-State.

2 Petitioner has filed Interlocutory Application No 1 of 2019. The order passed by the Court of Special Judge, Vigilance (Trap Cases) in Special Case No 8 of 2007/Vigilance Case No 15 of 2007 has been brought on record. It is the submission of the petitioner's counsel that the proceedings in the criminal case were in respect of the same charges and relying upon the similar



evidence upon which petitioner has been terminated in the departmental proceedings by order dated 05.12.2012 passed by the Engineer-in-Chief, Road Construction Department. He submits that, placing reliance on the decision of the Apex Court in the case of Capt M Paul Anthony -Versus- Bharat Gold Mines Limited & Another, (1999) 3 Supreme Court Cases 679, he would be approaching the authorities for reconsideration of the punishment having regard to the acquittal in the criminal case.

3 Writ petition is disposed of with liberty to the petitioner, as above.

4 Petitioner may make his application before respondent No 3 within four weeks from today who shall consider the matter on merits having regard to the declaration of the law of the Apex Court, taken note of herein above.

5 The decision should be taken expeditiously, without any undue delay and preferably within a period of three months from the date of submission of the representation by the petitioner relying upon decision, taken note of herein above.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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| CAV DATE          | NA         |
| Uploading Date    | 22.07.2019 |
| Transmission Date | NA         |

