

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11821 of 2019

Niraj Kumar Son of Sri Madan Kishore Tiwari, resident of Ward No. 26, Near R.N. College Field Indrapuri Colony, P.S.- Hajipur, District- Vaishali at Hajipur. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Finance Department Govt. of Bihar, Patna.
2. The Director, Provident Fund Directorate Bihar, Pant Bhawan, Patna.
3. The District Provident Fund Officer, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Advocate
For the Respondent/s : Mr.Anil Kr. Singh, GP 26

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-06-2019 The petitioner in the present case is seeking stay of further proceeding in the departmental inquiry, initiated against him, till final disposal of Patna Vigilance Police Station Case No. 42 of 2018 dated 26.09.2018 registered under Section 7 (a) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the criminal case and the departmental proceeding both are based on the same set of facts and evidence and therefore, disclosure of his evidence at this stage in the departmental proceeding is likely to prejudice his defence in the criminal case. It is submitted that in this regard the petitioner has made a representation vide Annexure '6' to the writ application before the Director, Provident Funds Directorate, Finance Department,



Govt. of Bihar.

Learned counsel for the State has opposed the writ application and submits that there is no need of stay of the departmental proceeding at this stage. It is submitted that in case the petitioner has submitted any representation in this regard, the same may be considered by the competent authority as it will be within their domain to look into the request of the petitioner and take a view thereon.

Having heard learned counsel for the parties, this Court is of the considered opinion that the departmental proceeding need not to be stayed at this stage. The petitioner has already made a representation vide Annexure '6' to the writ application before the respondent no. '2'. The respondent no. '2' is directed to look into the representation of the petitioner as contained in Annexure '6' to the writ application and pass a reasoned order thereon within a period of two months from the date of receipt/production of a copy of this order.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

avin/-ved

U			
---	--	--	--

