

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17778 of 2019

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Ramji Das, S/o Sitaram, Resident of Mohalla Delha, Dularganj, PO -P.S.
Gaya, P.S. Delha, Dist.Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna
2. The Commissioner, Magadh Division, Gaya.
3. The Collector-cum-District Magistrate, Gaya.
4. Additional Collector (Departmental Proceeding), Gaya
5. Deputy Collector (Establishment), Gaya
6. In-Charge Officer, District Legal Cell, Gaya
7. Sub-Divisional Officer, Sadar, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate
For the Respondent/s : Md. Fazle Karim, A.C. to SC-1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 24-10-2019

Heard learned counsel for the parties.

2. The petitioner was arrested on 13.07.2016 by the Vigilance Investigation Bureau, allegedly while accepting bribe of Rs.11,000/-. At the relevant point of time, he was posted as Upper Division Clerk in the office of the District Legal Section under Collectorate of Gaya. The allegation of acceptance of bribe leading to arrest resulted into lodging of an FIR registered as Vigilance P.S. Case No. 69/16 and subsequent initiation of a departmental proceeding with the issuance of charge sheet on 24.10.2016.



3. This writ application has been filed seeking issuance of the direction to the respondents to stay further proceedings of the departmental proceeding pending criminal case.

4. Mr. Dronacharya, learned counsel appearing on behalf of the petitioner has submitted that the criminal case and the departmental proceeding are based on same set of facts. He has also contended that if the disciplinary proceeding is allowed to continue against him, the same will prejudice his defence, which is available to him and he may take in the criminal trial. He has placed reliance on Supreme Court's decision in case of *State Bank of India and Ors. Vs. Neelam Nag and Anr.* reported in (2016) 9 SCC 491, *M/s. Stanzen Toyotetsu India P. Ltd. Vs. Girish V & Ors.* reported in (2014) 3 SCC 636 and *Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. & Anr.* reported in (1999) 3 SCC 679.

5. It is true that arrest of the petitioner by Vigilance Investigation Bureau on the charge of accepting illegal gratification is the basis for initiation of departmental proceeding and registration of the criminal case. However, in my opinion, in the facts and circumstances of the present case, the disciplinary proceeding is not required to be stayed on the ground of pendency of criminal case, both of which can go on simultaneously for the reason that standards of proof to establish charge in a criminal case and that in a disciplinary proceeding are entirely different. Even exoneration of an employee in a criminal trial, may not absolve him of the charge framed against him in



a departmental proceeding for the simple reason that an allegation which may not be proved beyond all reasonable doubts in a criminal trial, may be said to be established on the standards of preponderance of the probabilities in a disciplinary proceeding. I am not convinced with the submission advanced on behalf of the petitioner that any disclosure made by him to defend his case in the departmental proceeding will prejudice his case in the criminal trial, considering the nature of allegation, which has been made against him in the disciplinary proceeding.

6. Further, the disciplinary proceeding was initiated in October, 2016. I do not find any reason to stay the disciplinary proceeding on the ground of pendency of the criminal case after three years of initiation.

7. This writ application is, accordingly, dismissed as devoid of any merit.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

