

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23772 of 2018

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Ramesh Kumar Choubey @ Ramesh Kumar Son of Shri Sheojee Choubey,
Resident of 2/22 Madhuban Awas Board Complex, Malahi Pakri, Lohia
Nagar, Kankarbagh, P.s. Kankarbagh, Distt. -Patna

... .. Petitioner/s

Versus

1. Prime Ministers Office Through Director Of Public Grievances and Ors
2. The Union of India through Department of Telecommunication, Sanchar Bhawean, New Delhi.
3. Chief Vigilance officer, Department of Telecommunication, Sanchar Bhawean, New Delhi.
4. Central vigilance commission, Satarkata Bhawan, A- Block, GPO Complex, New Delhi.
5. Chirman- cum- Managing Director, BSNL, Bharat Sanchar Bhawan, Janpath New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocate joined the proceedings through Video Conferencing .)

Date : 12-08-2020

Petitioner has prayed for following reliefs:-

- (i) Hold an impartial inquiry against Shri Kush Kumar, ITS, presently posted as General Manager (Development) in the office of the Principal General Manager, Telecom District, Patna for misappropriation of crores of rupees in the name of running of diesel Gensets at the various Telephone Exchanges and BTS towers at the time of shut down of electricity and for misappropriation of crores of rupees in the name of maintenance of offices, exchanges



and BTS towers through forged and fabricated bills and for various other misdeeds and narrated in the complaint petitions, sent to Prime Minister's office (for the sake of brevity PMO) for inquiry against the officer concerned.

- (ii) And further be pleased to direct the respondent No.5 to transfer the Kush Kumar, ITS from Bihar Circle as the officer concerned is remained in Bihar Circle for more than 15 yrs. against the BSNL's employees Transfer Policy and/or for any other consequential relief/reliefs for which the petitioner may be found entitled to in the facts and circumstances of the present case."

No one appears on behalf of petitioner. On previous occasions also, none had appeared on behalf of petitioner.

Pursuant to direction of this Court, a counter affidavit has been filed on behalf of Chairman-cum-Managing Director, BSNL, Janpath, New Delhi (respondent no.5) stating therein that the officer Shri Kush Kumar, ITS against whom allegations have been made by petitioner of various acts of omission and commission and misappropriation of government money has been relieved from Patna Telecom District and has been transferred to Jammu and Kashmir Circle and allegations made against him were inquired and were found to be baseless and far from truth.

However, in view of grievance of petitioner for holding an impartial inquiry by an independent agency, the matter has been referred to the Chief Vigilance Officer, BSNL who is a



non-BSNL officer appointed by Central Vigilance Commission for holding an inquiry and to submit a report within a period of three months.

In view of statement made in the counter affidavit, this Court does not find any reason to continue the present proceeding and accordingly, the writ petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2020
Transmission Date	NA

