

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.633 of 2019

In
Civil Writ Jurisdiction Case No.15611 of 2016

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1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary Public Health Engineering Department, Government of Bihar, Patna.
 3. The Additional Secretary General Administration Department Public Health Engineering Department, Government of Bihar, Patna.
 4. The Joint Secretary Public Health Engineering Department, Government of Bihar, Patna.

... .. Appellant/s

Versus

1. Sanjay Kumar Singh Son of Ambika Prasad Singh Permanent resident of Village - Nadiyain, P.S. - Barun, District - Aurangabad at present residing at Ambika Aangan, Road No. 3, Sheopuram, P.S. Rupaspur, District Patna.
2. The Economic Offence Unit Through its Superintendent of Police, Rajvanshi Nagar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.S.Raza Ahmad, AAG 5 Mr.Alok, Advocate
For the Respondent/s	:	Mr.Mrigank Mauli, Mr.Sanjay Kumar, Advocates

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-09-2020

Re: I.A. No. 01 of 2019

The delay in filing the appeal, as mutually agreed, is condoned.

I.A. No. 01 of 2019 stands allowed.

Re: L.P.A. No. 633 of 2019



The present appeal has been preferred against the judgment and order dated 03.12.2018 passed by a learned Single Judge of this Court in C.W.J.C. No. 15611 of 2016, titled as Sanjay Kumar Singh Vs. The State of Bihar & Ors. whereby the writ petition stands allowed.

Learned counsel for the State-appellant clarifies that the State is aggrieved only with that part of the impugned judgment whereby direction stands issued for the enquiry to be conducted subsequent to the submission of charge-sheet. The relevant portion of that part of the impugned order, of which the State is aggrieved, reads as under :-

“The Enquiry Officer will proceed with the enquiry after submission of the charge-sheet as per law settled by the Hon’ble Apex Court in the judgments aforesaid.”

After the matter was heard for some time, learned counsel jointly prayed that the appeal be disposed of on the agreed terms. Ordered accordingly.

The observation made, reproduced supra, shall stand omitted to read that criminal investigation and the disciplinary enquiry shall proceed simultaneously. But, however, disciplinary proceeding shall positively be completed within a period of one year from today. This is as per Circular No. 4010



of 2006 dated 28.2.2007 of General Administration Department,
Government of Bihar.

Further, since the matter is pending consideration since
the year 2016, we direct that both the investigation as also the
disciplinary proceedings be positively completed within the
aforesaid period.

Needless to add, the authorities shall take appropriate
action in accordance with law.

The appeal stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

pallavi/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.09.2020
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