

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2426 of 2019

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Devendra Kumar, Late Bajrangi Sharma, resident of Village- Kaswan, Police Station- Parasbigha in the District of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna
4. The District Magistrate-cum- Collector, Jehanabad
5. The District Development Commissioner, Jehanabad.
6. The District Panchayati Raj Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr.P.N.Shashi (Aag6)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 03-05-2021

Heard learned counsel for the petitioner and the respondents.

Learned counsel for the petitioner submits that for the same set of facts and allegations the petitioner has been subjected to Vigilance case as well as Departmental proceeding. He further submits that the enquiry officer noticing the fact that for same set of facts and materials criminal case is pending before the competent Vigilance court submitted his report that there is no need to enquire into the matter. The report of the enquiry officer is dated 07.03.2020.



There is no hard and fast rule that during the pendency of the criminal case, departmental proceeding cannot be initiated, it depends on the peculiar facts and circumstances of each case.

Since the enquiry officer has submitted report way back in March 2020, we are in May, 2021, it would be appropriate that the disciplinary authority may take appropriate decision with regard to the pending departmental proceeding either to await the decision of the criminal court where the case is pending against the petitioner or conclude the departmental proceeding in accordance with the procedure prescribed for conduct of departmental proceeding at the earliest preferably within a period of six months from today, failing which the suspension of the petitioner shall automatically revoked after expiry of six months from today.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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