

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10311 of 2020

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Rajesh Kumar Son of Shri Ram Shankar Bhagat Inspector/GD, Force No. 087070028, Village- Bhagwanpur Pakri, P.O.- Manikpur Pakri, P.S.- Lalganj, District- Vaishali, State- Bihar, at present posted as Inspector/GD, Group Centre, C.R.P.F. Camp Jhaphan, Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The Union of India
2. The Principal Secretary, Ministry of Home Affairs, Government of India, New Delhi.
3. The Director General of Police, C.R.P.F., New Delhi.
4. The Additional Director General of Police, C.R.P.F., Central Zone, Kolkatta, West Bengal.
5. The Inspector General of Police, Bihar Sector, C.R.P.F., Patna, Bihar.
6. The Deputy Inspector General of Police, Group Centre, C.R.P.F., Muzaffarpur, Bihar.
7. The Commandant, Group Centre, C.R.P.F., Muzaffarpur, Bihar.
8. Shri Sanjeeva Roy, Deputy Inspector General of Police, Group Centre, C.R.P.F., Muzaffarpur, Bihar.
9. Shri Vijay Kumar, Deputy Commandant, Group Centre, C.R.P.F., Muzaffarpur, Bihar.
10. Shri Anil Kumar Verma, Assistant Commandant, Group Centre, C.R.P.F., Muzaffarpur, Bihar.
11. Shri Sandeep Kumar, Sub Inspector/GD, Group Centre, C.R.P.F., Muzaffarpur, Bihar-cum-Canteen Manager, Master Canteen of Group Centre, C.R.P.F., Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha
For the Respondent/s : Dr. K.N.Singh (Asg)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 08-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.



2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“i. For quashing of the orders of Deputy Inspector General of Police, Shri Sanjeeva Roy, Group Centre, C.R.P.F., Muzaffarpur, Bihar contained in his letter dated 31/05/2019 (Annexure – 5), whereby the recovery has been shown for Rs. 2,37,010.40 for the discrepancy in Subordinate Officers’ Mess, letter dated 01/06/2019 (Annexure-6), whereby the recovery has been shown for Rs. 14,58,910.25 for the discrepancy in Master Canteen and letter dated 03/10/2019 (Annexure – 18), whereby the recovered has been shown for Rs. 18,41,414.86 for the discrepancy in Master Canteen and decision was taken for departmental proceeding against the petitioner for his laches and irregularity in conduct of the work of Canteen Manager of Master Canteen, Group Centre, C.R.P.F., Muzaffarpur, Bihar.

ii. For audit of the Subordinate Officers’ Mess and Master Canteen through Indian Audit Team as required under law referred in para no. 93 of this writ petition, for which the petitioner has preferred his appeal twice, last time vide Appeal dated 24/03/2020 (Annexure-29).

iii. For high level enquiry especially preferring CBI against the Deputy Inspector General of Police, Shri Sanjeeva Roy, Deputy Commandant Shri Vijay Kumar, Assistant Commandant Shri Anil Kumar Verma, Inspector G/D Shri Sanjay Kumar Mishra, Sub Inspector/GD Shri Sandeep Kumar and other higher officers of C.R.P.F, Group Centre, Muzaffarpur, Bihar for misappropriating the funds and dereliction in duties and responsibility and not conducting the work as per provisions referred in para no. 93 of this writ application as well as for humiliating, torturing, use of force, forcibly taken the cheques and amount from the petitioner, theft of money from master canteen and for committing other discrepancies etc, for which, the petitioner and his wife had preferred complains several times, last time vide Appeal dated 24/03/2020 (Annexure-29).

iv. For keeping the orders of warning letter dated 14/11/2018 (Annexure-1), condemnation (censure) letter dated 18/02/2019 (Annexure – 2), recovery letters dated 31/05/2019, 01/06/2019 and 03/10/2019 (Annexure-5, 6 &18) as well as the decision taken vide order dated 03/10/2019 (Annexure-18) and memorandum dated 23/10/2019 (Annexure-19) regarding initiation of departmental proceeding



and others, each and every adverse actions/orders of Deputy Inspector General of Police, Shri Sanjeeva Roy, Group Centre, C.R.P.F., Muzaffarpur, Bihar, in abeyance till the submission of the audit report and enquiry/Investigation report and pendency of this writ application in the facts and circumstances of the case for meet of Justice.

v. For issuance of a direction commanding the respondents to initiate the departmental proceeding, if requires, afresh after receipt of the audit report and investigation report and providing him opportunity of due hearing and principle of natural justice and to conduct the departmental enquiry by the officers posted in the office of Inspector General of Police, CRPF, Bihar, Patna, so that they may not act under influence of the DIG, Shri Sanjeeva Roy.

vi. For recovery of the financial losses occurred to the petitioner from the personal pocket of the responsible officials/respondents due to their malafide intention and actions under which the petitioner has suffered a lot with mental and financial agony.

vii. For any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of case.”

3. The petitioner has already invoked remedy of appeal before the Appellate Authority and it is pending consideration as is evident from the records, therefore, the Appellate Authority is hereby directed to decide the petitioner's appeal in accordance with the relevant provision of law after due hearing of the petitioner for the reasons that one of the contention raised by the petitioner that he has not been provided ample opportunity of hearing like furnishing of relevant documents and other issues, therefore, the Appellate Authority is hereby directed to provide ample opportunity of hearing to the petitioner after furnishing relevant documents which are relied in the disciplinary



proceedings by the Enquiring Authority/Disciplinary Authority so as to provide ample opportunity of say of the petitioner in the matter.

4. The above exercise shall be completed in passing a detailed speaking order on the petitioner’s memorandum of appeal within a period of three months from the date of receipt of this order.

5. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

