

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.945 of 2021

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Ramadhin Prasad Singh S/o Late Vibhishan Prasad Singh, Resident of
Mohalla-Ishakchak, Shitla Sthan Road, Gumti No.-12, P.O.-Ishakchak, P.S.-
Ishakchak, Town and District-Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, General Administration
Department, Govt. of Bihar, Patna.
2. The Appellate Authority-cum-the Principal Secretary, Co-operative
Department, Govt. of Bihar, Patna.
3. The Disciplinary Authority-cum-the Registrar, Co-operative Societies, Govt.
of Bihar, Patna.
4. The Enquiry Officer-cum-the Joint Registrar, Co-operative Societies,
Bhagalpur Division, Bhagalpur.
5. The Presenting Officer-cum-the District Co-operative Officer, Muzaffarpur.
6. The District Co-operative Officer, Banka-cum-the Presenting Officer.
7. The Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Purushottam Kumar Jha, Adv.
For the State : Mr. Amit Prakash GA XIII

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 28-07-2022

Heard learned counsel for the petitioner and learned
counsel for the State.



2. The petitioner has been issued a charge memo dated 09-07-2019 bearing Memo No 6414, the charges arise out of Vigilance PS Case No 0001 of 2012, wherein the petitioner was allegedly caught red handed accepting Rs. 2000/- bribe and sent to the judicial custody.

3. Mr. Purushottam Kumar Jha learned counsel appearing for the petitioner has submitted that since the charges in the departmental proceedings are arising out of and in connection with the petitioner's arrest on alleged soliciting and accepting of illegal gratification, for which criminal case is also proceeding, this Court should direct the Authorities to stay their hands in the Departmental Proceedings till such time the criminal proceedings are concluded. The petitioner has also made a request to this effect by his communication dated 21-01-2020. The petitioner has placed specific reliance on decision of this Court in ***CWJC No. 3617 of 2016*** in case of ***Rama Shankar Jha vs. State of Bihar*** and others. The same is Annexure-36 to the writ petition. The Court has been taken through the said judgment. Paragraph-6 of the judgment is wroth considering having regard to the petitioner's claim for parity with the petitioner of that case.

4. From bare perusal of para 6, it is apparent that in the said case Enquiry Officer had clearly stated that no decision



should be taken in the proceedings till such time the investigation on the vigilance case was incomplete. There is no such finding of Enquiry Officer in the case of the petitioner. It is only at the stage of issuance of charge memo. Records further reveal that subsequent to submission of the application dated 21-01-2020, the petitioner has also written to the Enquiry Officer for being supplied copies of the documents so as to enable him to submit his response. The petitioner's case clearly is not covered by decision of this Court in the case of ***Rama Shankar Jha*** (supra), as the same is distinguishable on facts. However, this Court would observe that Authorities cannot be permitted to endlessly sit over the application made by the petitioner. Annexure- 37 and 38 requesting them to make available the documents so as to enable him to take an effective defence by making a response to the charge memo.

5. The writ application is, therefore, disposed of. The Enquiry Officer-cum-the Joint Registrar, Co-operative Societies, Bhagalpur Division, Bhagalpur (Respondent No. 4) should consider the petitioner's request raised in Annexure(s) 37 and 38, supply the requested documents or reject request for documents by speaking order in terms of the prescribed procedure in the Bihar Government Servants (Classification, Control and Appeal) Rules,



2005 expeditiously and preferably within a period of four (04) weeks form the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11-08-2022
Transmission Date	

