

(2012) 08 RAJ CK 0035

In the Rajasthan High Court

Case No : Civil Writ Petition No. 7608 of 2007

Dinesh Kumar Jain

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 30-08-2012

Acts Referred:

Citation : (2013) 1 WLN 109

Hon'ble Judges : Narendra Kumar Jain, J; Arun Mishra, J

Bench : Division Bench

Advocate : Prahlad Sharma, for the Appellant; Chetan Bairwa, Addl. Govt. Counsel, for the Respondent Nos. 1 to 6, for the Respondent

Judgement

Arun Mishra, C.J.—Heard finally. Petitioner has prayed in the writ petition that Respondents No. 1 to 6 may be directed to take immediate steps against Respondent No. 7 to 10 and their services be terminated immediately, as they were involved in various acts of corruption and embezzlement.

2. Respondents No. 7 to 10 are Shri Agam Mathur, Chief Engineer (Special Project), Public Health & Engineering Department, Jaipur; Shri G.R. Gupta, Additional Chief Engineer, Public Health & Engineering Department, Jaipur Region, Jaipur; Shri P.C. Sharma, Executive Engineer, Public Health & Engineering Department, Drilling Division Alwar and the then Executive Engineer, Public Health & Engineering Department, Division Rajgarh (Alwar) and Shri Lokesh Sharma, Junior Engineer, Public Health & Engineering Department, APO in CE(R) office Public Health & Engineering Department Jaipur and the then Junior Engineer, Public Health & Engineering Department, Sub Division, Rajgarh, respectively.

3. Petitioner has submitted that serious irregularities have been committed by Respondent No. 7 in granting tenders to the contractor for the purpose of constructions of 200 mm diameter tube well supply and installation of pump sets, water reservoir and other allied works in rural areas. Huge amount has been

misappropriated. Former Members of Legislative Assembly of Rajasthan, namely Shri Gyan Dev Ahuja and Shri Kanti Chand Meena and present Member of Legislative Assembly, Thanagaji have also submitted complaints against Respondent No. 7.

4. It is further submitted that Shri G.R. Gupta, Respondent No. 8 has also committed financial irregularities in issuing tenders in favour of M/s. Hanuman Tube Well regarding construction and installation of tube wells and pump sets on behalf of the department. He has taken illegal gratification and caused loss to the tune of Rs. 26,00,000/- to the department. Complaint dt. 09.10.2006 was also submitted to the Chief Minister by National Organisation of Prevention of Corruption. Allegations of serious irregularities have also been made against Respondent No. 9, Shri P.C. Sharma and Respondent No. 10, Shri Lokesh Sharma. Respondent No. 8 had been promoted as Additional Chief Engineer.

5. It is further submitted that Technician Members of the Rajasthan Water Supply and Sewerage Management Board, Jaipur has submitted inquiry report to the Secretary, Public Health and Engineering Department vide its letter dt. 04.09.2006, in which Respondents No. 9 and 10 have been found responsible for the irregularities, but no action has been taken against them. Hence, the petitioner has preferred the writ petition.

6. In the reply filed by the State and its functionaries, it is contended that allegations made as against Respondent No. 7, Shri Agam Mathur are baseless. The allegations made in complaint dt. 11.07.2005 were not correct. What were the irregularities committed in the purchases have not been mentioned specifically in the complaint. Other allegations have also been denied in the reply. However, it is further contended that with respect to allegation levelled against Respondent No. 9, Shri P.C. Sharma and Respondent No. 10, Shri Lokesh Sharma that they have committed serious irregularities in construction of Hand Pumps and Pump Sets, case was found against them in preliminary investigation and charge sheets have been issued to them on 04.10.2007. However, Respondent No. 7 was found to be innocent.

7. It is also submitted by Shri Chetan Bairwa, Additional Government Counsel appearing on behalf of the State that Respondent No. 8, Shri G.R. Gupta, who was holding post of Additional Chief Engineer in Public Health & Engineering Department, has been issued a charge sheet, after his retirement and that charge sheet has been questioned by him by way of writ application before the Single Bench.

8. In the circumstances, Shri Prahlad Sharma, counsel appearing on behalf of the petitioner has submitted that charge sheets were issued to Respondent No. 9, Shri P.C. Sharma and Respondent No. 10, Shri Lokesh Sharma in the year 2007. Departmental inquiry against them is still pending consideration and it has not been taken to its logical end. In case, charge sheet has been issued against Respondent No. 8, Shri G.R. Gupta, then it may also be ordered to be taken to

its logical end at an early date. He has prayed for reserving the right with respect to Respondent No. 7 to prosecute the matter before the Lokayukt.

9. Shri Chetan Bairwa, Additional Government Counsel has submitted that since inquiry has been initiated against Respondents No. 8, 9 and 10, it has to be taken to its logical end by the State. As such, no case for interference in the writ application is made out.

10. After hearing counsel appearing on behalf of the parties, we are of the considered opinion that as the charge sheets were issued to Respondents No. 9 and 10 in the year 2007 and in case there is no legal hurdle and no interim stay by any competent Court, then the Respondent-State is supposed to take the inquiries to logical end. Such inquiries cannot be kept pending for long period. Already a period of five years has passed after the issuance of charge sheets against Respondents No. 9 and 10. Thus, if inquiries are pending against Respondents No. 9 and 10 as on today, let the same be taken to logical end by the concerned authorities of State within a period of six months. With respect to Respondent No. 8, inquiry has also been initiated, though after his retirement. In view of the statement made at Bar by Shri Chetan Biarwa, Additional Government Counsel, in case there is no interim stay and subject to pending writ petition, let the inquiry be also proceeded against Respondent No. 8 and taken to its logical end within a period of six months. As prayed by Mr. Prahlad Sharma, counsel appearing on behalf of the petitioner, he is at liberty to pursue the matter with respect to Respondent No. 7 before the competent authority. With the aforesaid directions and liberty, writ petition is disposed of. No costs.