

(2021) 02 PAT CK 0382

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 19722 Of 2019

Satish Kumar Sharma

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 02-02-2021

Acts Referred:

Citation : (2021) 02 PAT CK 0382

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Anil Kumar Singh, S. Raza Ahmad, Vishwambhar Prasad

Final Decision : Disposed Of

Judgement

Heard the parties.

Petitioner has prayed for following reliefs:-

"For directing the respondent authorities to initiate enquiry in the work Rural Water Supply under the Scheme of "Gramin Pipe Jalapurti Yojna" within the Gaya District wherein altogether nine water tank cum boring have been failed although expense of approx Rs. 4.5 crore has been made by the respondents.

(ii) For directing the respondent authorities to take suitable action against the erring government officials who have released the fund although work has been executed in a very arbitrary manner, resultant scheme failed in all respect.

(iii) For directing the respondent authorities to recover the payment of approx Rs. 4.5 crore from the cocern government officials.

(iv) For issuing a writ in the nature of mandamus against the respondent authorities that in what circumstances the officers who were involved in the embezzlement of Govt. fund and held responsible for the same by the enquiry report dated 28.11.2015, instead of taking any action against them, they have been rewarded through promotion on higher post."

Counter affidavit has been filed on behalf of respondents in which it has been stated that for the same cause of action petitioner has filed a complaint before the Hon'ble Lokayukta Bihar, Patna numbered as Complaint 1/PHED/01/2017 which is pending before the Administrative Members of Lokayukta.

It has been further stated that three member committee has been constituted by letter dated 09.09.2019 under the Chairman Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Patna and on basis of its report show cause have been issued to 12 officers found to have committed irregularities in the execution of scheme and departmental proceeding has been initiated against the erring officers.

In view of counter affidavit filed by respondents, no purpose will be served by keeping this matter pending, as such, present writ petition is disposed of. Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.