Nripendra Kumar Parimal Vs The State of Jharkhand and Others

Writ Petition (PIL) No. 408 of 2009

Court: Jharkhand High Court

Date of Decision: Nov. 23, 2009

Hon'ble Judges: Dilip kumar sinha, J; Dhirubhai Naranbhai Patel, J

Bench: Division Bench

Advocate: Navin Kumar, for the Appellant; A. Allam, Senior Standing Counsel-II, Abhay Kr. Mishra, Rajesh Kumar and Amit Kumar, for the Respondent

Judgement

D.N. Patel, J.

The present writ petition has been preferred by the vigilant petitioner, who has aggrieved upon the subject matter and has

rightly pointed out that there is a misuse of public fund to the tune approximately Rs. 2.5 crores for granting smart cards to the farmers. It has been

stated by the Counsel for the petitioner about the gross illegalities and irregularities committed in granting contract to a person who is quoting four

time higher price than the lowest price quoted by the offerer. It is also submitted by the Counsel for the petitioner that upon issuance of a notice by

this Court, the State Government has reacted promptly and Enquiry Committee was constituted under the headship of Joint Commissioner,

Sugarcane and a detailed report has been given by the said Committee dated 23rd July, 2009 which is also brought on record by the counter-

affidavit filed by the Respondent-State. It is also submitted by the Counsel for the petitioner that His Excellency the Governor of State of

Jharkhand is also keeping vigilance upon this subject matter and rightly therefore, His Excellency the Governor of State of Jharkhand has given the

report of the Committee dated 23.07.2009, to the Director General of Police and asked for a report within six weeks so as to decide further

actions to be taken by the Government, if required. It is also submitted by the Counsel for the petitioner that job of the petitioner is over. The

petitioner is not at all interested any further, once the whole Government machinery has started enquiring into the subject matter. The goal to be

achieved by the petitioner is to awake the senses of the Government.

2. We have heard the learned Counsel appearing for the State of Jharkhand who has submitted that now a report of the Committee has been

received by the Government the said report is dated 23rd July, 2009. His Excellency the Governor of the State is directly supervising the whole

matter and Director General of Police (Vigilance) has been requested to give his report within six weeks. This report is still awaiting and

Government shall react, the suggestions of Director General of Police (Vigilance). The said report is to be given by the Director General of Police

(Vigilance) and it is also submitted by the Counsel for the State that if need arises, if it is so advised then all possible actions shall be initiated and

the mistakes will be rectified by the Government.

3. The Counsel for the Respondent No. 8 submitted that, in fact, he is disputing the report of the Government dated 23rd July, 2009 and all the

allegations which are levelled against the Respondent No. 8 are being opposed and are not admitted by the Respondent No. 8. It is fairly

submitted that, as and when, the allegations will be levelled against them, in any matter, Civil or Criminal or in any suit or petition they will argue

about their case by teeth and nail and if this Court is disposing of this Public Interest Litigation as they have no much objection because hundred

possibilities cannot be equated with one truth.

4. In view of this submission and looking to the actions initiated by the Respondent-State constituting a Committee headed by the Joint

Commissioner, Sugarcane and also report has been given by the said Committee dated 23rd July, 2009 and also looking to the fact that His

Excellency the Governor of the State has also taken cognizance of these facts and also looking to the fact that His Excellency the Governor of this

State has referred the matter to the Director General of Police (Vigilance) for giving report within six weeks for further actions to be taken if need

arises and if it is so advised. In view of these facts, it appears to us that Government has already awaken their senses about the facts stated in this

writ petition. A Committee has been constituted and the report of the Committee has also been received and preliminary report has also been

received by His Excellency the Governor of the State of Jharkhand is directly supervising this matter. Therefore, we are not inclined to issue any

writ of mandamus for any further direction to the Government. We expect from the Government of Jharkhand that the report given by the Director

General of Police (Vigilance) and the Enquiry report given by the Committee dated 23rd July, 2009 will be properly acted upon, in accordance

with law.

5. In view of this expectation from His Excellency the Governor of the State of Jharkhand and the whole administrative machinery of the

Government, this writ petition is disposed of.