

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Contempt Case (Civil) No. 314 of 2015**

Shankar Prasad Gupta ... .. **Petitioner**  
*Versus*

The State of Jharkhand and Anr. ... .. **Opposite Parties**  
**with**  
**C.M.P. No. 333 of 2015**

State of Jharkhand represented through Deputy Commissioner  
... .. **Petitioner**  
*Versus*

Shankar Prasad Gupta and Ors. ... .. **Opposite Parties**  
**With**  
**W.P. (C) No. 3441 of 2012**

The State of Jharkhand and Ors. ... .. **Petitioners**  
*Versus*

Smt. Kamala Devi and Ors. ... .. **Opposite Parties**

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**CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR**

For the Petitioner : Mr. Rupesh Singh, Advocate-Commissioner  
Ms. Aprajita Bhardwaj, Advocate-Commissioner  
[in Cont. Case (Civil) No. 314 of 2015]

For the State of Jharkhand: Mr. Sanjeev Thakur, S.C. (L&C)-I  
Mr. B.B.Sinha, G.A. II  
Mr. Navneet Toppo, A.C. to G.A. II  
[in cont. case (civil) no. 314 of 2015]

For the State of Bihar : Mr. Binit Chandra, J.C. to G.A. (Bihar)

29/25.10.2019 By an order dated 01.03.2019, a Committee of Advocate-Commissioners and a Nodal Officer of the rank of Deputy Collector/Additional Collector were appointed to conduct an enquiry in the matter.

2. The operative portion of the order dated 01.03.2019 reads as under:

*19. Considering involvement of huge public exchequer which according to the State of Jharkhand the claimant has tried to receive as compensation by forging documents, before any final decision is taken in these matters it has become necessary to get the related records examined through a Committee of Advocate-Commissioners.*

20. On the last date of hearing, the State of Jharkhand was directed to furnish name of three officers in the rank of Deputy Collector/Additional Collector having very good/outstanding service records and now through an affidavit dated 01.03.2019 the State of Jharkhand has referred name of three such officers.

21. Accordingly, Mr. Manoj Kumar, Joint Secretary, Planning-cum-Finance Department, State of Jharkhand is appointed as the Nodal Officer. Mr. Rupesh Singh, the panel Advocate for JHALSA and Ms. Aprajita Bhardwaj, the learned J.C to Advocate-General are appointed as Advocate-Commissioners to examine the case records and submit a report to this Court within two months.

22. Mr. Manoj Kumar, Joint Secretary, Planning-cum-Finance Department, Government of Jharkhand shall co-ordinate and assist the learned Advocate-Commissioners in examining the records. Whenever any input is sought by the learned Advocate-Commissioners he shall make himself available for consultation.

23. The learned Advocate-Commissioners shall examine how the original records have gone missing, today in whose custody it should have been, under what circumstances copy of the original records was prepared (photo-copy), under whose order/instruction photo-copy of the original records which were produced in the Court at one time was prepared and other related issues. The learned Advocate-Commissioners shall examine the records of the compensation case, proceeding before the Additional Collector and other related documents. The Nodal Officer shall brief the learned Advocate-Commissioners about the procedure involved in the compensation case, before the Additional Collector, movement of records/files etc.

24. The Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand shall ensure that the records, file movement register etc. are made available to the learned Advocate-Commissioners at a designated place in the Project Bhawan, Dhurwa, Ranchi. He shall entrust this work to a Section Officer.

25. If any record/register except the records in question is in the custody of State of Bihar in usual course and needed shall be summoned through special messenger by the order of the Secretary.

26. *The parties are directed to co-operate with the learned Advocate-Commissioners for the aforesaid enquiry and whenever any query is made to them they shall submit a written response. The learned Advocate-Commissioners also may ask their queries in writings.*

27. *Mr. Vinit Chandra, A.C to G.A (Bihar) who appears for the State of Bihar shall communicate a copy of this order to the Secretary, Department of Revenue and Land Reforms, Government of Bihar, who shall also give written response(s) to the queries of the learned Advocate-Commissioners, if any, and ensure production of records/ register or any other document, if requisitioned.*

28. *Fee for the learned Advocate-Commissioners shall be paid by the Department of Revenue, Registration and Land Reforms, Government of Jharkhand. It shall be fixed by the Court after the report is submitted by the learned Advocate-Commissioners. If it is necessary any one or both the learned Advocate-Commissioners may visit the office of the Additional Collector, Lohardaga in course of the enquiry. Necessary arrangements for their visit, vehicle etc. shall be made provided by the Department. The Senior Superintendent of Police, Ranchi shall make necessary security arrangements for their visit to Lohardaga.*

29. *It is expected that first meeting of the learned Advocate-Commissioners with Mr. Manoj Kumar, Joint Secretary is convened before the forth-coming Holi vacation.*

30. *Liberty is granted to the learned Advocate-Commissioners to file application for further direction/extension of time through Mr. Vikash Kishore Prasad, the learned State counsel.*

31. *The Registry is directed to provide a complete set of the Paper-book, including all the affidavits and applications and photo-copies of the entire order-sheet of these cases to the learned Advocate-Commissioners and Mr. Manoj Kumar, Joint Secretary.*

32. *Post these matters on 26.04.2019, for further direction.*

33. *Let a copy of the order be given to the learned counsels for the parties and Mr. Manoj Kumar, Joint Secretary, Planning-cum-Finance Department, Government of Jharkhand.”*

3. By the order dated 03.05.2019, once again all the authorities were directed to extend cooperation for completion of the enquiry as ordered by this Court vide order dated 01.03.2019.
4. These matters have been listed today upon a mentioning slip tendered by the learned Advocate-Commissioners.
5. Mr. Rupesh Singh, the learned Advocate-Commissioner states that these matters were listed lastly on 19.07.2019 and these were directed to be posted on 23.08.2019, however, since on that day the Bench was not available the matter was not taken up.
6. The learned Advocate-Commissioners state that replies to the questionnaire sent to few officers are still awaited.
7. As noticed above, repeatedly this Court has cautioned the authorities concerned to extend all cooperation during the enquiry. It is once again indicated that if reply to the questionnaire sent by the learned Advocate-Commissioners is not submitted within next four weeks, no further opportunity shall be granted to them by the learned Advocate-Commissioners and the report on the basis of materials available and replies received shall be prepared and submitted to this Court. It is also indicated that it would not be open to the person who has failed to submit his/her reply to raise a plea that he/she was not afforded sufficient opportunity to respond to the questionnaire.
8. Needless to say, an appropriate action and/or adverse inference shall be taken/ drawn against such officer(s).
9. Post these matters on 06.12.2019.
10. Let a copy of this order be given to the learned State counsel and the learned Advocate-Commissioners.
11. The learned State counsel shall communicate the Court's order to the officers of the State.

**(Shree Chandrashekhar, J.)**