IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 809 of 2022

Pankaj Kumar Yadav, aged about 34 years, Son of Raj Kishore Pd. Yadav, Resident of – Gayatri Nagar, Sudna, Post Office- Sudna, Police Station- Daltonganj, District Palamau, Jharkhand.

... Petitioner

Versus

1. The State of Jharkhand.
2. The Chief Secretary, Government of Jharkhand, Project Building, P.O. & P.S.-Dhurwa, District-Ranchi, Jharkhand.
3. The Secretary, Rural Development Department, Jharkhand, F.F.P. Building, P.O. & P.S.-Dhurwa, District-Ranchi, Jharkhand.
4. The In-Charge Engineer-in-Chief, Rural Development Department, Jharkhand, F.F.P. Building, P.O. & P.S.-Dhurwa, District-Ranchi, Jharkhand.
5. Birendra Ram, In-Charge Engineer-in-Chief, Rural Development Department, Jharkhand, F.F.P. Building, P.O. & P.S.-Dhurwa, District-Ranchi, Jharkhand.
6. The Commissioner, Income Tax Investigation Department, Central Revenue Building. 5A, Mahatma Gandhi Main Road, Ranchi, P.O.- G.P.O., P.S.- Lower Bazar, District - Ranchi, Jharkhand.
7. The Director, Enforcement Directorate, 1st & 2nd Floor, MTNL Building, Jawaharlal Nehru, Stadium Marg, P.O. & P.S.- Stadium Marg, District- New Delhi- 110002.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner: Mr Rajeev Kumar, Advocate
Mrs Niteshwari Kumari, Advocate
For the State: Mr Vibhor Mayank, A.C. to A.G.
For the ITD: Mr Kumar Vaibhav, Sr. S.C.
Mr Durgesh Agarwal, Advocate
For the ED: Mr Amit Kumar Das, Sr. Advocate
Mr Saurav Kumar, Advocate

Reserved on: 01.10.2026 **Pronounced on: 14/10/2026**

***Per* M. S. Sonak, C.J.**

1. Heard Mr Rajeev Kumar, who appears with Mrs Niteshwari Kumari for the petitioner, Mr Vibhor Mayank, learned A.C. to A.G., for respondents Nos. 1 to 5; Mr Kumar Vaibhav, learned Sr. Standing Counsel for the 6th respondent; and Mr Amit Kumar Das, learned Senior Advocate for the 7th respondent.

2. This petitioner, by way of purported public interest, seeks the following reliefs: -

A. For the direction upon the respondents to enquire & investigate the reasons for collapse of bridges

SN	Bridges	Rivers	Total Amounts
(a)	District of Dhanbad Nirsa	Barakar River	35 Crore
(b)	District of Khunti Karra Bridge	Tajna River	2.15 Crore
(c)	District of Palamau Daltonganj	Koyal River	4.25 Crore
(d)	District of Gumla		
(i)	Kedeng-Jairagi Path	Sankh River	1.84 Crore
(ii)	Bhikhampur Jari Path	Lava River	1.18 Crore
(iii)	Basia Jola Ghat	South Koyal River	5.65 Crore
(iv)	Bishunpur Chainpur Path	North Koyal River	1.35 Crore
(v)	Bishunpur Samdari Path	North Koyal River	1.57 Crore
(vi)	Kamdara Bano Path	South Koyal River	2.91 Crore

in different part of the State of Jharkhand which is evident from audit report of Principal Accountant General of the State of Jharkhand, Ranchi.

At that point of time Birendra Ram was the Chief Engineer of Special Division and on his admission, the bridges collapsed during the period he was Chief Engineer Special Division.

B. For the direction upon the respondents to call for a report from the respondent no. 2 & 3 as to why action has not been initiated against the top most bosses of Rural Development Department where bridges have collapsed & action has not been taken although office of Principal Accountant Ranchi has submitted a report & it has widely mentioned the cause of collapse of bridges.

C. For the direction upon the respondent no. 6 & 7 to initiate investigation against respondents no. 5 Birendra Ram Chief Engineer Rural Development Department. Now In-Charge Engineer in Chief Rural Development Department.

D. For the direction upon the respondents to stop the functioning of the respondent no. 5 from the post of Engineer-in-Chief, Under Rural Development Department, as Rs. 2.45 crores cash has been recovered from the possession of his nephew who is an unemployed, and his wife was supposed to contest election from the same money & no investigation has been done is this regards.

E. For the direction upon the respondent no. 7 to investigate further, the sources of Rs. 2.45 crores recovered from the possession of Alok Ranjan nephew of respondent no. 5 from rented premises & also submit status of investigation.

F. For any other of the relief or relief.

3. In substance, the gravamen of the instant petition centres on respondent No. 5, Birendra Ram, who, at the time of the institution of these proceedings, was serving as the In-Charge Engineer-in-Chief in the Rural Development Department of the Government of Jharkhand. The petitioner's case is that the series of bridge collapses enumerated hereinabove occurred during respondent No. 5's tenure as Chief Engineer, Special Division, primarily due to his alleged deliberate disregard of mandatory rules and scientific requirements.

4. The petitioner has further alleged that unaccounted cash amounting to approximately Rs. 2.45 crores was recovered and seized from the possession of the nephew of respondent No. 5, leading to the registration of Jamshedpur P.S. Case No. 13 of 2019, dated 13.11.2019, under S. 7(A) of the Prevention of Corruption Act, 1988. The petitioner further contends that the seized cash belonged to respondent No. 5 and was amassed through corrupt and fraudulent practices.

5. The petitioner has also alleged that, despite the availability of prima facie incriminating material, the State investigating agencies

failed to conduct a fair and impartial investigation, thereby enabling respondent No. 5 to continue in office.

6. It is, therefore, the petitioner's specific submission that, given the substantial amount of unexplained cash involved, the statutory investigating authorities, including the Enforcement Directorate, were obligated to initiate independent criminal proceedings.

7. To substantiate these contentions, the petitioner primarily relied upon an audit report prepared by the Principal Accountant General, Ranchi, which highlighted structural deficiencies and financial irregularities in the construction of the bridges in question.

8. The petitioner also relied on various newspaper clippings and media reports to show that the widespread structural failures and the subsequent recovery of unaccounted cash received extensive coverage in the public domain. However, he submits that, despite these developments and the registration of the aforesaid criminal case, no effective action has been taken against the persons concerned, particularly respondent No. 5.

9. Based on the aforesaid materials, the petitioner initially impleaded the Principal Accountant General as respondent No. 6 in the writ petition.

10. At the outset, however, it is apposite to record that this Court, by order dated 25.09.2025, upon due consideration, directed the deletion of the Principal Accountant General (initially as respondent No. 6) from the array of parties.

11. Having noted the aforesaid procedural developments, we now turn to the State's response in these proceedings. We are constrained to observe that the same was far from satisfactory. Only after repeated and, ultimately, stern directions from this Court did the State Government, after considerable delay, place its response on record.

12. After the parties completed the pleadings and filed status affidavits, the matter was taken up for final hearing.

13. Learned counsel for the petitioner reiterated the assertions made in the writ petition. Per contra, learned counsel for the State submitted that the reliefs sought by the petitioner could not be granted, as most prayers had either become infructuous due to subsequent developments or were based on uncorroborated assertions unsupported by evidence.

14. Having heard the rival submissions of the learned counsel for the respective parties at length and carefully considered the affidavits and materials placed on record, we proceed to examine the controversy.

15. For convenience, the petitioner's grievance may be broadly divided into two aspects: first, the alleged financial irregularities and corruption involving respondent No. 5; and second, the structural failures of the specified bridges and the alleged administrative inaction in that regard.

16. However, before examining these aspects, it is necessary to note certain subsequent developments that occurred during the

pendency of these proceedings and bear on the scope of the controversy requiring adjudication.

17. Taking up first the allegations of financial corruption and unaccounted assets raised in Prayers (c) and (e), reference must be made to the supplementary affidavit dated 04.11.2025 filed by the petitioner himself, wherein it was brought on record that respondent No. 5 was subsequently arrested by the Enforcement Directorate (respondent No. 7) in connection with a case registered under the Prevention of Money Laundering Act, 2002.

18. Further, as appears from the latest affidavit dated 25.06.2026 filed on behalf of the State, a formal Prosecution Complaint dated 21.04.2023 was filed against respondent No. 5, Birendra Kumar Ram, along with co-accused Alok Ranjan, Rajkumari and Genda Ram. The jurisdictional Special Court took cognisance thereof on 29.04.2023, and the trial is presently pending before the competent court.

19. In view of these subsequent developments, the investigation by the Enforcement Directorate has culminated in the filing of a Prosecution Complaint and the taking of cognisance by the jurisdictional Special Court against respondent No. 5 and the other accused persons.

20. Consequently, the reliefs sought in Prayers (c) and (e), concerning the initiation of an investigation and the submission of status reports, have been rendered infructuous.

21. In such circumstances, this Court has no occasion to issue parallel directions in that regard.

22. Turning to Prayer (d), whereby the petitioner seeks a judicial direction restraining respondent No. 5 from discharging his functions as In-Charge Engineer-in-Chief, we are of the considered view that such a direction cannot be granted in the present proceedings.

23. Respondent No. 5 is a civil servant holding a post under the State, and his conditions of service are governed by the statutory rules framed under the proviso to Article 309 of the Constitution of India. It is an admitted position of law that decisions concerning the posting, suspension or administrative deployment of a public servant ordinarily fall within the domain of the State as the employer.

24. Moreover, whether a public servant should continue to hold office during the pendency of an investigation/inquiry is a matter for the competent disciplinary authority to consider under the applicable rules, and not ordinarily for this Court to determine in the exercise of its power of judicial review. **(See : Union of India & Anr. v. Ashok Kumar Aggarwal, (2013) 16 SCC 147)**

25. Pertinently, the petitioner has not brought to our notice any statutory provision or service rule that renders the continued posting of respondent No. 5 per se illegal or contrary to any statutory prohibition.

26. Accordingly, in the absence of any demonstrated statutory infraction, this Court, in exercise of its public interest jurisdiction, cannot assume a supervisory role over the executive's decisions concerning the posting of its officers. Resultantly, Prayer (d) is decided against the petitioner and stands rejected.

27. We now revert to Prayers (a) and (b), whereby the petitioner initially sought a roving inquiry into the structural collapse of various bridges across the State and a report on the administrative inaction against the higher officials. The petitioner subsequently sought an investigation by the Enforcement Directorate into these structural failures.

28. In response to these assertions made by the petitioner, a comprehensive counter-affidavit dated 25.06.2026 was filed on behalf of respondent No. 3. The respondent state categorically asserted that First Information Reports (FIRs) had been registered wherever criminal negligence was disclosed, delinquent contractors had been penalised or blacklisted, and departmental proceedings had been initiated against the officers concerned.

29. The affidavit further clarifies that the Principal Accountant General's audit observations are recommendatory in nature and serve as internal administrative inputs, evaluated at the departmental level before any punitive action is taken.

30. To assess the nature and extent of the measures taken by the State, it is necessary to examine the specific actions undertaken in the affected districts, as disclosed in the materials placed before us.

The same, in a condensed form, are reproduced herein below for the convenience of reference:

(a) ***At Nirsa (Dhanbad), regarding the bridge collapse over the Barakar River in 2009 (involving an audit figure of Rs. 2.15 Crores), the failure was attributed to structural foundation failure under high discharge. The concerned engineer was placed under suspension vide order dated 29.08.2009, and formal departmental proceedings were initiated vide order dated 14.05.2010. An FIR was lodged against the erring officials as well as the contractor, who was blacklisted for a period of ten years. An independent technical inquiry was also conducted through Birla Institute of Technology (B.I.T.), Mesra, Ranchi, and a newly constructed replacement bridge is presently fully operational.***

(b) ***At Karra Block (Khunti), regarding the bridge over the Tajna River which failed in 2015 due to high discharge and foundation failure (involving an audit figure of Rs. 4.25 Crores), departmental proceedings were drawn up against the erring engineer, an FIR was lodged against the contractor, and the contractor was blacklisted. The bridge structure has since been repaired and traffic fully restored.***

(c) ***At Daltonganj (Palamau), regarding the failure of the bridge over the Koyal River in 2011 (involving audit figures of Rs. 1.84 Crores and Rs. 1.18 Crores), an initial inquiry was conducted by the Chief Engineer, Rural Development Special Zone, followed by an external technical evaluation by B.I.T. Mesra, Ranchi (Report dated 07.10.2013). Following the inquiry findings, departmental proceedings were initiated, and the contractor, M/s Kalsi Buildcon (Hinoo, Ranchi), was blacklisted vide Order No. 1240 dated 29.12.2012 (subsequently reviewed in light of a later order). A new bridge was sanctioned and constructed, and traffic is presently ongoing.***

(d) ***In Gumla district, regarding the bridge collapses over the Sankh, Koel, and South Koel Rivers across the Kedeng-Jairagi, Bishunpur-Chainpur, Bishunpur-Samdari, and Kamdara-Bano routes (involving audit figures of Rs. 5.65 Crores, Rs. 1.35 Crores, Rs. 1.57 Crores, and Rs. 2.91 Crores respectively), the State attributed the damages to exceptionally high monsoon discharge in***

> ***July 2011. Vide State Order dated 20.09.2011, the then Superintending Engineer along with seventeen Junior Engineers were placed under suspension. Departmental Resolution dated 21.10.2011 specifically recorded structural irregularities in foundational construction and lack of supervisory oversight at the Bishunpur (Koel River) and Chainpur (Sankh River) bridges. The contractor was directed to reconstruct the damaged portion at its own cost without burdening the public exchequer, FIRs were registered, and new bridges have either been constructed or sanctioned with traffic restored at several sites.***

31. The affidavit further discloses that disciplinary orders were issued against the erring officials in accordance with law. Where such actions were subjected to judicial review or statutory appeals, the State acted in conformity with the judicial directions and applicable rules.

32. The materials placed before us by the respondent State indicate that the bridge collapses were investigated through departmental inquiries and external technical evaluations by independent experts, including BIT Mesra.

33. The record further shows that action was initiated against officials across different ranks, from Junior Engineers to a Superintending Engineer. The delinquent contractors were blacklisted, FIRs were registered wherever criminal acts were indicated, and the damaged bridges were repaired or reconstructed.

34. On the other hand, the petitioner has not shown that the inquiries were superficial, suffered any specific infirmity, or warrant a fresh investigation to bring to light any material not already examined.

35. At this juncture, it is pertinent to observe that, in a public interest petition, this Court cannot sit in appeal over technical findings or disciplinary actions taken years ago, particularly where such actions have already been subjected to adjudicatory scrutiny or have attained finality.

36. Similarly, the allegation that senior officers were deliberately shielded is not supported by the record, which indicates action was taken across different ranks. The petitioner has also not identified any specific senior officer who was allegedly protected.

37. Furthermore, the Principal Accountant General's audit observations are advisory in nature and were examined by the State before administrative action was taken. In these circumstances, we find no justification for calling for any further report from respondent Nos. 2 and 3.

38. Insofar as the petitioner seeks the transfer of the investigation to a central investigating agency, the legal principles governing the exercise of such power are well settled.

39. In the case of **State of West Bengal v. Committee for Protection of Democratic Rights, (2010) 3 SCC 571**, a Constitution Bench of the Hon'ble Supreme Court held that, although a constitutional court possesses the power to direct an investigation by the Central Bureau of Investigation (CBI) without the consent of the State, such power must be exercised sparingly, cautiously and in exceptional situations where intervention is necessary to restore

public confidence or where the matter has national or international ramifications.

40. This principle was reaffirmed in **State of Punjab v. CBI, (2011) 9 SCC 182,** and further explained in **Prof. K.V. Rajendran v. Superintendent of Police, (2013) 12 SCC 480**, which emphasised that such a direction is warranted only in rare cases, such as where high-ranking State officials are personally implicated or where the investigation is demonstrably tainted or biased.

41. Lastly, the Hon'ble Supreme Court in **Romila Thapar v. Union of India, (2018) 10 SCC 753,** relying upon **Narmada Bai v. State of Gujarat, (2011) 5 SCC 79,** reiterated that neither an accused nor a third-party petitioner can claim a right to choose the investigating agency.

42. In the present case, the circumstances warranting such an exceptional exercise of power have not been established. The allegations concern specific engineers and contractors, not any demonstrated systemic failure or bias in the State's investigative and disciplinary machinery. Moreover, the matter concerns bridge structures situated within the State.

43. Additionally, the petitioner has not placed any verifiable material on record demonstrating malice, bias or illegality on the part of the police, the Anti-Corruption Bureau or the departmental authorities.

44. As regards the Enforcement Directorate, its jurisdiction under the Prevention of Money Laundering Act, 2002, depends on the existence of "proceeds of crime" derived from a scheduled

offence. It cannot, therefore, be converted into a general investigative agency.

45. In view of the foregoing, Prayers (a) and (b) are declined and decided against the petitioner.

46. We also take note of the interlocutory application (I.A. No. 16535 of 2025) filed by Ranjeet Kumar Singh, seeking impleadment to raise allegations of tender irregularities against Jay Prakash Singh, Chief Engineer of the Jharkhand Police Housing Corporation Limited.

47. The grievance raised in the application falls entirely outside the scope of the present writ petition. Moreover, as the applicant admitted, the matter is already under scrutiny by the Anti-Corruption Bureau in the connected W.P. (PIL) No. 5465 of 2023 and is also under inquiry by the Enforcement Directorate.

48. In view of the above, no further consideration of the allegations raised in the interlocutory application is called for in the present proceedings.

49. The applicant is, however, at liberty to pursue such remedies as may be available to him in the aforesaid proceedings or before the appropriate forum. We express no opinion on the merits of the allegations. The concerned I.A. stands disposed of accordingly.

50. However, before parting, one aspect requires our definite and focused consideration. The FIRs relating to the bridge collapses in Dhanbad, Palamau and Gumla were registered between 2009 and 2015, yet the investigations in these cases remain pending to date.

51. While we choose not to attribute deliberate inertia to the shoulders of the police officials, the length of the investigation period, in no uncertain terms, startles us. Leaving criminal investigations pending for over a decade serves neither the administration of justice nor the parties' rights and severely erodes the State's remedial actions.

52. In this regard, it can be stated that it is a settled position of law that the right to a speedy investigation is an integral facet of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India.

53. Such unreasonable and inordinate delays, firstly, seriously impair the administration of the criminal justice system because very often the perpetrators of serious crimes escape; and secondly, such delays impinge upon the fundamental right to speedy justice guaranteed under Article 21 of the Constitution **(See: Hussainara Khatoon (IV) v. Home Secretary, State of Bihar, (1980) 1 SCC 81).**

54. Furthermore, this constitutional guarantee does not remain dormant during the pre-trial phase; it commences and operates across every stage, be it investigation, inquiry, trial, appeal, or revision, so that the prejudice stemming from unexcused and avoidable delays may be averted **(See: Abdul Rehman Antulay v. R.S. Nayak, (1992) 1 SCC 225).** Long-pending investigations must, therefore, be brought to an expeditious and logical conclusion.

55. Consequently, while declining the substantive prayers for transferring the investigation or launching fresh roving inquiries, this Court cannot remain a mute spectator to inordinate administrative and police delays.

56. Accordingly, to ensure that the departmental proceedings and statutory criminal investigations already initiated are not allowed to languish indefinitely, specific binding directions must be laid down to secure accountability and enforce the constitutional mandate of speedy justice.

57. Accordingly, we dispose of this writ petition with the following directions:

i. *The Superintendents of Police of Dhanbad, Palamau, and Gumla districts shall ensure that the pending investigations in respect of the FIRs registered in connection with the bridge collapses are completed expeditiously, and final reports under Section 173 of the Code of Criminal Procedure, 1973 are submitted before the jurisdictional courts, preferably within a period of three months from the date of receipt of a copy of this order.*

ii. *The Secretary, Rural Development Department, Government of Jharkhand, shall oversee the progress of the pending departmental proceedings against the erring officials and ensure they are brought to a logical*

conclusion in accordance with law, preferably within three months from the date of this order.

iii. *Insofar as the proceedings initiated by the Enforcement Directorate against respondent no. 5 and other co-accused are concerned, the jurisdictional Special Court shall ensure that the trial in the connected PMLA proceedings is completed at the earliest, in accordance with law.*

iv. *The concerned Superintendents of Police and the Secretary, Rural Development Department, Government of Jharkhand, shall file compliance affidavits before this Court upon the expiry of the aforesaid period, for which they shall be held personally liable.*

v. *If any investigation or departmental inquiry is not completed within the stipulated time-frame, the compliance affidavit shall set forth the precise reasons for the delay.*

58. The writ petition stands disposed of in the above terms, without any order as to costs. Pending interlocutory applications, if any, shall stand disposed of accordingly.

59. Within 15 days of the uploading of this judgment, a certified copy hereof shall be communicated by the Registry to the Chief Secretary, Government of Jharkhand; the Secretary, Rural Development Department, Government of Jharkhand; the Superintendents of Police of Dhanbad, Palamau, and Gumla

districts; and the learned Special Judge, PMLA Court, Ranchi, for strict compliance.

60. We conclude with the earnest hope that the statutory investigations and the pending departmental inquiries will now be taken to their prompt and logical conclusion.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

October 14, 2026

A.F.R.

Manoj/Cp.2

Uploaded on 14.10.2026