

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5609 of 2000

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Kamlesh Kumar Singh, Son of Sri Chhatrabali Singh, Resident of Village Shaktibigha, P.O. Turi, P.S. Alipur, District Gaya.

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Old Secretariat, Patna.
2. Director General-cum-Inspector General of Police, Bihar, Old Secretariat, Patna.
3. Deputy Inspector General of Rail Police, Patna.
4. Superintendent of Rail Police, Jamalpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Avinash Chandra, Advocate
For the State : Mr. Sanjay Mandal, A.C. to S.C.-6

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 23-04-2015

Heard learned counsel for the petitioner and the
learned counsel for the State-respondents.

2. By filing this writ application the petitioner has questioned the order passed by the disciplinary authority dated 30.06.1990 dismissing him from service. The petitioner was a Constable in Rail Police. The departmental proceeding was held on certain charges which were found to have been proved in that proceeding and thereafter the impugned order dated 30.06.1990 has been passed. The petitioner has stated in paragraph-21 of the writ application that he had preferred appeal against the order passed by the disciplinary authority dated 30.06.1990 but the said appeal was not disposed of and the petitioner was verbally told to await the



decision of the criminal case. The case of the petitioner is that he has been acquitted in the criminal trial and thereafter he has filed several representations before the respondent authorities praying to reconsider their decision in view of the judgment and order of acquittal. It has been stated that no order has been passed on the representations filed by the petitioner.

3. In the counter affidavit filed by the State-respondents specific stand has been taken that the appeal filed by the petitioner against the order of dismissal by the disciplinary authority was dismissed by order dated 14.06.1991 vide Memo No. 1142/L. The learned counsel for the State-respondents however, has also submitted that he has no instruction whether any order has been passed on the pending representations of the petitioner.

4. The learned counsel for the petitioner has based his submission mainly on the judgment and order of acquittal passed in criminal trial and has submitted that in view of the said order the respondent authorities ought to have reconsidered their decision of dismissal of the petitioner from service. It has also been submitted that the authorities have so far not passed any order on the representations of the petitioner filed after his acquittal in the criminal case.

5. After considering the facts and circumstances and

the submissions on behalf of the parties, it is limpid that though the appeal filed by the petitioner was dismissed in the year 1991 but the petitioner has not challenged the said order in this writ application. On the contrary, the petitioner has made statement that the Deputy Inspector General, Rail Police, Patna (appellate authority) verbally told the petitioner to await the decision of the criminal case. Moreover, this writ application has been filed in the year 2000 assailing the order dated 30.06.1990. This Court, therefore, is not inclined to grant the relief as prayed by the petitioner in this writ application. However, this Court, finds substance in the submission of the learned counsel for the petitioner that the authorities should have disposed of the representations filed by the petitioner, in accordance with law.

6. Accordingly, this writ application is disposed of with a direction to the respondent authorities to pass appropriate order in accordance with law on the representations, if pending, which the petitioner claims to have filed.

(V. Nath, J.)

Sanjay/N.A.F.R.

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