

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7928 of 2014

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Sulekha Devi, Wife of late Pramod Kumar Thakur, resident of Semapur, P.S.
Barari, Distt. Katihar

.... Petitioner/s

Versus

1. The State of Bihar, through the Inspector General of Police Bihar, Patna
2. The Deputy Inspector General of Police (Training) Bhagalpur, Bihar
3. The Principal, Constable Training Centre, Nath Nagar, Bhagalpur
4. The Superintendent of Police, Constable Training Centre, Nath Nagar, Bhagalpur
5. The Superintendent of Police, Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr. Ashok Priyadarshi, GA-4
Mr. Sanjay Sinha, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 30-01-2015

Heard the parties.

The petitioner, the widow of one Pramod Kumar Thakur, has filed the present writ petition assailing the validity and correctness of the order dated 10.01.2010 (Annexure-1) passed by the respondent no.4, whereby on the basis of the findings recorded in a departmental proceeding the aforesaid Pramod Kumar Thakur was visited with a punishment of dismissal from service.

Learned counsel appearing on behalf of the petitioner submits that the aforesaid Pramod Kumar Thakur unfortunately died on 11.08.2011. Therefore, the petitioner, being his widow, has filed the present writ petition for setting aside the aforesaid order of punishment.

I am afraid the relief sought for on behalf of the petitioner in the present writ petition is completely misconceived and cannot be granted. Admittedly, when the impugned order was passed on

10.01.2010, the delinquent employee was still surviving, but he chose not to challenge the validity and correctness of the impugned order. His death has taken place after about 20 months from the date of the impugned order. If the delinquent employee chose not to challenge the order of punishment, then after his death his widow cannot be permitted to challenge the validity and correctness of the said order.

For the reasons recorded above, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

Arvind/-

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