

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8850 of 2014

=====

Prem Shankar Rai S/o Sri Ram Lakshman Rai resident of village
Govindpur, Post - Puliyan, P.S. Buxar, Dist. Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. Director General of Police, Bihar, Patna.
3. D.I.G. of Police, Military Police Central Zone, Patna.
4. Commandant B.M.P.- 4, Dumraon, Buxar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate.

For the Respondent/s : Mr. Anil Kr Uapdhyay, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 03-08-2015

Heard learned counsel for the parties.

2. Learned counsel for the petitioner submits that though the memorial of the petitioner, against the order of punishment affirmed in Appeal, is pending before the Director General of Police (hereinafter referred to as 'the D.G.P.') since 2014 and as such this writ application will not be required to be pressed by the petitioner for the present but then this Court may direct the D.G.P. to dispose of the memorial of the petitioner if not already disposed of.

3. This Court will have no difficulty in holding that filing of a memorial is statutory remedy and, in fact, after the order of the appellate authority, the police personnel by way of provisions made in Bihar Police Manual have been given the remedy of filing of memorial. The time also for filing of the memorial has been fixed under the same,

being six months of the appellate order. Thus if there is a time limit given for filing of the memorial, this Court cannot understand as to why, at least in the same period of six months, such memorial should not be disposed of.

4. This Court, therefore, while directing the D.G.P. in this case to ensure that the pending memorial of the petitioner, if not already disposed of, must be disposed of within a period of four months from the date of receipt of a copy of this order, would also like to issue a general direction to the D.G.P. to ensure that, barring for exceptional circumstances and that too to be recorded in writing by the D.G.P., each and every memorial of a police personnel, must be disposed of by a speaking order within a period of six months of its receipt in his office.

5. With the aforementioned observation and direction, this writ application is disposed of.

6. Let a copy of this order be sent to the Commissioner (Home) for its compliance by all concerned authorities exercising of power of disposal of memorial under Bihar Police Manual.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--