

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5856 of 2016

=====

Lalan Prasad Yadav, Son of Late Rameshwar Rai, Village Katkenwa,
P.S.+P.O.- Mahuawa, District- East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar, through Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Secretary, Department of Home, Govt. of Bihar, Patna.
3. Director General of Police, Bihar, Patna.
4. Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
5. Superintendent of Police, Sitamarhi.
6. Sub-Divisional Police Officer, Sadar Anumandal, Sitamarhi.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Naresh Dikshit, Advocate
For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-15
Mr. Rakesh Ambastha, AC to AAG-15

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 28-06-2016 Heard counsel for the petitioner and learned Counsel
appearing for the State.

Petitioner seeks setting aside of the order contained in
Memo No. 2178, dated 20.09.2013, issued under the signature of
the Superintendent of Police, Sitamarhi (respondent no. 5),
whereunder the services of the petitioner was ordered to be
terminated with immediate effect. He further seeks quashing of the
order 12.06.2014 and order, dated 22.05.2015, passed in appeal
and memorial, affirming the order of retrenchment passed by
respondent no. 5.



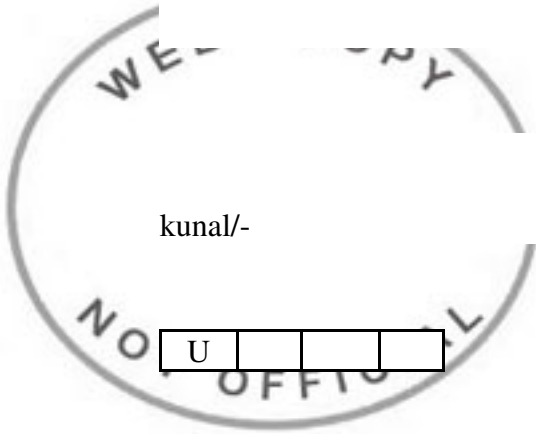
The petitioner was appointed as a Sepoy in the Bihar Police Force on 03.05.1979. In the year 2007, he was posted in Sitamarhi District. He along with one Imtiyaz Khan, was proceeded for planting arms underneath bed of one fellow constable Raj Kishore Paswan. On conclusion of the inquiry, the Inquiry Officer recorded finding of guilt against the petitioner. On the basis of inquiry report, the Disciplinary Authority inflicted punishment of dismissal from service.

The petitioner submits that he was not given adequate opportunity to defend his case in the departmental proceeding as neither copy of inquiry report was given to him nor any opportunity was provided to make any comments against the adverse findings recording in the inquiry report.

In nutshell, he submits that his case is fully covered under the order, dated 15.03.2016, passed in the case C.W.J.C. No. 14071 of 2014 (Imtiyaz Khan Vs. State of Bihar & Ors.), which was allowed and the order of punishment was set aside and the matter was remitted back to the Disciplinary Authority to proceed afresh after issuing of second show-cause notice.

I find the petitioner's case to be similar to that of Imtiyaz Khan. This writ application is thus too disposed of in the aforesaid terms. The impugned order of punishment is set aside and the

matter is remitted to the Disciplinary Authority to proceed afresh
from the stage of issuance of second show-cause notice.



(Samarendra Pratap Singh, J)

kunal/-

U			
---	--	--	--