

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1483 of 2011**

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Sandeep Kumar, S/O Sri Bacchi Prasad Singh, R/O Village - Akhatwara, P.O. - Bhadaura, P.S. - Hathauri, District – Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Director General cum Inspector General of Police, Bihar, Patna.
3. Inspector General of Police, Operation, Bihar, Patna.
4. D.I.G. of Police, Provision, Bihar, Patna.
5. Superintendent of Police, Special Task Forces (S.T.F.), Bihar, Ekta Bhawan Near Gandhi Maidan, P.S. - Gandhi Maidan, Patna.

.... .... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ram Hriday Prasad, Advocate<br>Mr. Maruti Kumari       |
| For the Respondent/s | : | Mr. Kameshwar Kumar, GP-17<br>Mr. S.K. Ranjan, AC to GP-17 |

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 27-09-2016**

Heard Mr. Ram Hriday Prasad, learned counsel appearing for the petitioner and Mr. S.K. Ranjan, learned Assisting Counsel to Government Pleader No.17 for the State.

The petitioner is aggrieved by the order dated 30.3.2008 of the Superintendent of Police, Special Task Force, Bihar, Patna impugned at Annexure-2, whereby the punishment of withholding of one annual increment with non-cumulative effect which is equivalent to award of two 'black marks' has been awarded to the petitioner and which punishment would have no effect on the future increment of the petitioner. By the same order the pay and



allowances due to the petitioner for the period under suspension has been restricted to the subsistence allowance drawn and the period under suspension is treated to be leave with half pay. The order passed by the Superintendent of Police, Special Task Force is affirmed by the Deputy Inspector General of Police, Bihar, Patna who vide order passed on 9.4.2010 has dismissed the appeal filed by the petitioner.

Facts of the case are rather brief and the petitioner who held the post of Junior Constable No.83 was handling the financial matters of the office along with Sergeant Ajit Kumar Lal. The Sergeant got transferred to a different district on 14.10.2005 and when the records were required to be deposited in the Accounts Section. The petitioner did not do so nor obeyed the direction issued in this regard. The matter reached the Superintendent of Police who vide letter dated 24.3.2006 issued show cause to the petitioner, a copy of which is present at Annexure-B yet the petitioner did not choose to deposit the document. It is at this stage that the proceeding in question was drawn by service of charge memo vide Memo No.1541 dated 1.7.2006 placed at Annexure-1 and which after undergoing an enquiry has resulted in the impugned orders. The petitioner being aggrieved is before this Court.

While Mr. Ram Hriday Prasad, learned counsel



appearing for the petitioner has tried to question the impugned order on grounds of procedural infirmities inasmuch as though penalty in question constitutes a major penalty but according to Mr. Prasad, the procedure so prescribed for imposition of major penalty has not been followed. It is further submitted that the enquiry was in his favour and thus it should have been followed by the mandatory procedures required in such cases. According to Mr. Prasad, such steps not being taken the impugned orders are unsustainable.

The argument advanced by Mr. Prasad is contested by Mr. Ranjan, learned State Counsel who submits with reference to the counter affidavit that the conduct of the petitioner along with another constable was such that even after transfer of Sergeant they did not choose to deposit the account registers concerning the financial/cash dealings and which led to initiation of a disciplinary proceeding. He further submits that even after initiation of the disciplinary proceedings the petitioner did not choose to do so rather the records were deposited in the Accounts Section only on 24.12.2006.

Having heard learned counsel for the parties and considering the materials on record, in my opinion, the very fact that even after a show cause by the Superintendent of Police as

back as on 24.3.2006 present at Annexure-B did not have any effect on the petitioner and he took his own sweet time to deposit the records only in December, 2006, there cannot be a better case of insubordination and disobedience. In the circumstances discussed the petitioner has been let off with the lightest punishment. No cause for indulgence is made out on any count. The writ petition is dismissed accordingly.

**(Jyoti Saran, J)**

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