

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

**Civil Writ Jurisdiction Case No.568 of 2015**

=====

Satish Kumar Singh, son of Late Bhagirath Singh, resident of village+ P.O. Maranchi (Tinbhaiya Tola), Via- Hathidah, P.S. -Marachi, District – Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Inspector General of Police, Patna Zone, Patna.
4. D.I.G. of Police, Central Range, Patna.
5. Senior S.P. Patna.
6. S.P. East Champaran, Motihari.

.... .... Respondent/s

=====

**Appearance :**

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

For the Respondent/s : Mr. Shankar Kumar Thakur, AC to GP-27

=====

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

**ORAL JUDGMENT**

**Date: 22-12-2016**

Heard Mr. Ram Hriday Prasad, learned counsel appearing for the petitioner and Mr. Shankar Kumar Thakur, learned Assisting Counsel to Government Pleader No.27 for the State.

The petitioner is aggrieved by the order of dismissal dated 16.9.2006 passed by the Senior Superintendent of Police, Patna impugned at Annexure-1 together with its affirmation by the appellate authority vide order dated 31.5.2007 passed by the Deputy Inspector General of Police, Central Range, Patna dismissing the appeal of the petitioner impugned at Annexure-2 as well as the dismissal of memorial by the Inspector General of Police vide Annexure-3.



Although there being a concurrent opinion on the issue, the scope of intervention in the punishment was rather limited and the trouble for the petitioner ever increased by the delay of seven years in approaching this Court to question the impugned orders. An explanation is forwarded by Mr. Prasad to submit that since the memorial was rejected by an authority not competent to do so that the petitioner preferred another memorial before the Director General of Police on 31.3.2008 vide Annexure-4 and which has remained pending. In my opinion, even this plea of the petitioner does not explain the delay of seven years since thereafter.

It is next argued by Mr. Prasad that the petitioner has rendered 30 years of service hence the authority concerned may be directed to reconsider the punishment on its quantum, for its conversion into compulsory retirement so as to entitle the petitioner to get the retiral benefits.

Since the writ petition was lacking in documents that on the order of this Court the records of the disciplinary proceeding has been produced and which gives a rather a sordid picture of the allegation levelled against the petitioner. The charge alleged against the petitioner is of stealing revolver(s) of his colleague(s) and one of which was recovered from him when he was apprehended at the round about of the Patna Railway Station leading not only to the



institution of police case but also the disciplinary proceeding in question.

In so far as the criminal case is concerned, while the petitioner has been acquitted in the case instituted under the provisions of the Arms Act but he has been convicted in the criminal case instituted under section 379 of the Indian Penal Code for the recovery of the revolver. According to Mr. Prasad, the appeal is pending in this Court. The fact remains that the stolen revolver was recovered from the possession of the petitioner and he stands convicted. The fact also remains that notice in the disciplinary proceeding was served on the petitioner and he asked for time on grounds of illness but he never chose to report before the conducting officer.

Mr. Prasad next tried to raise an issue of non-service of show cause notice on the enquiry report but then while the document at page 179 of the proceedings produced by Mr. Thakur, learned State Counsel is a notice on the enquiry report bearing No.3557 dated 9.10.2005, the petitioner has filed his reply which is present at page 190 of the proceedings. Thus even this plea of the petitioner fails.

In the circumstances discussed, where the opinion of the Disciplinary Authority has been affirmed by the superior



authorities which is resting on conclusive evidence of recovery of revolver which was stolen from the barracks there is no scope for intervention in the order(s) impugned not even on the quantum of punishment considering that the allegation of theft has been upheld by the criminal court.

The writ petition is dismissed.

Let the records of disciplinary proceeding produced by Mr. Thakur be returned to his custody.

**(Jyoti Saran, J)**

SKPathak/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 26-12-2016 |
| Transmission Date | NA         |

