

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15788 of 2015

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Md. Sahid son of Late Md. Yusuf Mian, Resident of village- Falka, P.S.- Falka, District- Katihar Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
 2. The Principal Secretary, Department of Home, Government of Bihar, Patna
 3. The Director General of Police, Government of Bihar, Patna
 4. The Deputy Inspector General of Police, Government of Bihar, Purnea Range, Purnea
 5. The Deputy Inspector General of Police, Government of Bihar, Patna Range, Patna
 6. The Superintendent of Police/the Senior Superintendent of Police, Purnea, District- Purnea
 7. The Senior Superintendent of Police, Patna, District- Patna
 8. The Conducting Officer/Enquiry Officer-cum-Officer-in-Charge, Dhamdaha Police Station, Dhamdaha, Purnea Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Kundan Bahadur Singh, SC 22

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 12-01-2016 The petitioner prays for quashing order dated 30.4.2006, passed by respondent no.6 in Departmental proceeding no. 84 of 2001 by which he has been dismissed from service as well as District order no. 4206 of 2006, dated 5.5.2006 by which said order has been confirmed. The petitioner has also prayed for quashing appellate order dated 29.5.2007, passed by Deputy Inspector General, Purnea Range, Purnea and order dated 31.7.2015 passed by the Director General of Police, Bihar rejecting his memorial.

2. It is alleged that while on traffic duty at Madhubani



chowk in Purnia town, the petitioner suddenly left his post without any permission and without handing service revolver. On account of latches, his service revolver was also snatched by some miscreants on his way. The petitioner was departmentally proceeded for the aforesaid charges in the year 2001. A copy of the charge memo is contained in Annexure 8. On conclusion of the enquiry proceeding, the enquiry officer recorded findings of the guilt. The Disciplinary authority, namely, the Superintendent of Police, Purnea awarded punishment of dismissal from service.

3. The petitioner has assailed the impugned order on the following grounds:-

4. He submits that a copy of charge memo was served on him only on 27.1.2006. He was not informed either of the enquiry or the date of the proceeding as such he could not file his written statement. The enquiry was conducted behind his back. No witness was examined. He reiterated all these grounds in his second show cause reply.

5. In view of the submissions made by the petitioner, records of the proceeding was called for by the court. Learned counsel for the State has not been able to point out from the record whether any notice was served upon the petitioner prior

to passing the punishment order. Similarly, he has not been able to state whether the petitioner was informed of the date of proceeding as to who would be conducting the enquiry. The appellate authority, namely the Deputy Inspector General, Purina range has also not detailed all these issues. In the interest of justice, I find that the appellate authority at least should have considered the grounds raised by the petitioner which have enabled this court to decide the matter on law and facts arrived at by the appellate authority.

6. In the result, all the three orders are set aside with liberty to the disciplinary authority to pass final order within a period of three months from the date of receipt of this order.

7. The writ petition is thus allowed.

Shashi.

(Samarendra Pratap Singh, J)

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