

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12269 of 2014

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Ayodhya Prasad Sinha S/o Late Harihar Prasad Sinha, resident of village- Rampur
Taradih, P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Madhepura, District Madhepura.
4. D.I.G., Madhepura.
5. Inspector General of Police, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1

For the Respondent/s : Mr. Ranjan Kumar, AC to GA- 12

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-03-2017

The present case has been filed by the petitioner for directing the respondents to pay the Provident Fund amount deducted from the salary of the petitioner during the period he was in service as also to pay the amount of Group Insurance.

2. The petitioner was appointed as a Constable in the year 1970. In 1981 while he was posted at Madhepura an allegation was made against him for an offence under section 377 of the Indian Penal Code and in pursuance thereof, a departmental proceeding was initiated and a criminal case was also registered against him. In the departmental proceeding, after receipt of the enquiry report, the Superintendent of Police awarded the punishment of three black



marks to the petitioner. Being aggrieved, the petitioner filed an appeal against aforesaid order before the D.I.G of Police of the Range in 1985 and the D.I.G. of Police after going through the report, found the charges to be serious in nature and accordingly, recommended for awarding serious punishment in terms of the Police Manual and referred the matter to the D.G.P., Bihar, who, vide order dated 09.05.1986 terminated the petitioner from the service, against which the petitioner filed a representation before the State Government which was also rejected, vide order dated 17.02.1989. Later on, the petitioner was acquitted of the charges in a criminal case in 1989. He preferred another application before the State Government, which was also rejected, whereafter a writ application, vide C.W.J.C. No. 11382 of 1996, was filed before this Court challenging the order of termination passed against the petitioner. The said writ application was also dismissed by this Court, vide order dated 01.02.1999 holding that in a case of benefit of doubt an accused may be acquitted in spite of there being some materials against him, but acquitting the accused in a criminal case, cannot be a ground to exonerate him in the departmental proceeding.

3. Learned counsel for the petitioner submitted that the amount of provident fund and group insurance has not been paid to the petitioner so far. He submitted that the petitioner was constantly



pursuing the matter before the higher authorities in this regard and even the Inspector General of Police, Head quarter, Bihar, Patna has directed the Superintendent of Police, vide order dated 03.06.2013, to examine the claim of the petitioner in respect of the Provident Fund and Group Insurance amount and pass necessary orders.

4. On the other hand learned counsel for the State submitted that the instant application has been filed after long delay and on the principle of delay and laches alone the writ application is fit to be dismissed.

5. Having heard the parties, the writ application is disposed of with a direction to the petitioner to file a detailed representation afresh before the Superintendent of Police, Purnea within four weeks from today raising his claims in respect of the Provident Fund and Group Insurance amount. In case of filing of such representation, the Superintendent of Police Purnea shall examine and dispose of the same by passing a reasoned order within a period of four months.

(Ashwani Kumar Singh, J.)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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