

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8395 of 2014

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PARSURAM YADAV son of Ram Parvesh Yadav resident of village -
Dubhar, P.S. Dubhar, District - Balia (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar through its D.G.P. Bihar, Patna
2. Inspector General of Police, Bihar, Patna
3. D.I.G. Polices Head Quarter, Patna
4. D.I.G., Tirhut Range, Muzaffarpur
5. Sr. Superintendent of Police, Muzaffarpur
6. Major, Police Line, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Respondent/s : Mr. Shyam Kishor Sharma, G.A.1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 24-08-2017 Heard both sides.

The petitioner has assailed the order dated 17.02.2013 issued by the Senior Superintendent of Police, Muzaffarpur, in pursuance of the Letter No.154 dated 31.01.2013 by which the contract appointment of the petitioner on the post of constable (SAP) has been terminated.

The learned counsel for the petitioner submits that the petitioner has been working as constable (SAP) in pursuance of the order of appointment dated 22.04.2006 and till date the petitioner was working satisfactorily. But without giving any notice or asking any show cause petitioner was removed from



service on the ground that he refused to discharge his duty and disobey the order of the police officer.

The learned counsel for the State filed counter affidavit and drew my attention to paragraph 12 of the counter affidavit as well as Annexure-1 to the writ petition and submitted that the petitioner was appointed on the basis of contract. The terms of the contract stipulates that if the petitioner is found that he has violated term 8 of the contract (of SAP constable) meant for appointment of SAP. An enquiry was held and found that the petitioner was reluctant to join duty.

On consideration of submissions of both sides I find that the petitioner has served the department for more than six years as constable (SAP) and there was no reporting against the petitioner that the petitioner has violated any term of the contract, and has ever disobeyed the order of the Superior authority. But the appointing authority has terminated the service of the petitioner without issuing any show cause. It is pointed that against the order of termination the petitioner has filed representation before the Deputy Inspector General of Police, Muzaffarpur and the same is still pending.

Since representation of the petitioner against the order of termination is pending before D.I.G., Muzaffarpur, I dispose of



this writ petition with direction to the DIG, Muzaffarpur to dispose of the representation of the petitioner within three months from the date of production of this order. If the petitioner is aggrieved even after disposal of his representation petitioner may approach this Court.

(Prabhat Kumar Jha, J)

AnilKrSinha/-

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