

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8765 of 2014

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1. Ram Prawesh Pandey, Son of Beni Pandey, resident of village- Dihra,
P.S.- Karakat (Gorari), District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Home Police Department, Bihar, Patna
3. The D.G. of Police Bihar Patna
4. The D.I.G. Military Police (Uttari Mandal), Muzaffarpur
5. The Commandant B.M.P.- 6, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir, advocate
Mrs. Shruti Sinha, advocate
For the Respondent/s : Mr. A. K. Lal, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-08-2017 Heard both sides.

The petitioner has filed this writ petition for a direction to the Home Secretary, Government of Bihar, Patna to dispose of his mercy appeal (Anexure-1).

The petitioner was working on the post of Head Constable but he was dismissed from service along with 7 other Constables/ police personnel.

The learned counsel for the petitioner submits that one Chandreshwar Chaudhary, who was also working on the post of Havildar and was dismissed from service along with the petitioner, moved this court vide CWJC No. 1646 of 2003 and this court vide order dated 30.07.2012 held that punishment is disproportionate to the charge and directed Chandreshwar Chaudhary to file representation before the appropriate authority but again the Director General of Police, Bihar, Patna rejected the representation of



Chandreshwar Chaudhary. Thereafter, Chandreshwar Chaudhary filed CWJC No. 12891 of 2006 and this court vide order dated 13.05.2014 set aside the order of dismissal of Chandreshwar Chaudhary remitting the matter back to the Director General of Police, Bihar, Patna holding that the punishment of compulsory retirement would have been adequate. He submits that thereafter the Director General of Police, Bihar, Patna inflicted the punishment of compulsory retirement against Chandreshwar Chaudhary and, therefore, on the facts that the case of the petitioner is exactly the same as that of Chandreshwar Chaudhary, the Director General of Police, Bihar, Patna may be directed to dispose of the mercy appeal of the petitioner in view of the order passed in CWJC No. 12891 of 2006 disposed of on 13.05.2014.

The learned counsel for the State submits that petitioner has not earlier moved this court against the order of his termination and in the present writ petition he only prayed to dispose of his mercy appeal.

Having considered the submission of the parties, I dispose of the writ petition with a direction to Director General of Police, Bihar, Patna/ Home Secretary, Government of Bihar, Patna, before whom the mercy appeal of the petitioner is pending, to dispose of the mercy appeal of the petitioner taking into consideration the order passed by this court in CWJC No. 12891 of 2006 within a period of three months from the date of receipt/ production of a copy of this order.

(Prabhat Kumar Jha, J)

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