

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5979 of 2016

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1. Mohan Jha Son of Late Bhajnanand Jha, Resident of village- Behta, P.S.-
Sonbarsaraj, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Sahabad Range, Dehri-on-Sone,
District- Rohtas
4. The Superintendent of Police, Bhojpur, Ara
5. The Accountant General, Bihar, Bir Chand Patel Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha-3
For the Respondent/s : Mr. Alok Ranjan
Mr. L.P .K. Rajavihar

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

4 10-08-2017 Counter affidavit is filed on behalf of the
respondents.

Heard learned counsel for the petitioner as well as
learned counsel for the respondent nos. 2 to 4 and 5.

The petitioner was working as constable but
subsequently, he was charged with certain allegations, as a result
whereof he compelled to face departmental proceeding in which
he was found guilty and accordingly, he was dismissed from
service.

However, petitioner approached this Court in CWJC
No. 7851 of 2007 and a co-ordinate Bench of this Court set aside



the dismissal order and sent the matter back to the inquiry officer for conducting a fresh inquiry. The concerned inquiry officer, having conducted fresh inquiry, exonerated the petitioner from all the charges and submitted his finding to the Disciplinary Authority while the matter was pending before the Disciplinary Authority. The petitioner superannuated from service on 31.01.2015, claimed his retrial dues but nothing was paid to him and, thereafter, the petitioner approached this Court by filing present writ petition.

Counter affidavit has been filed on behalf of the respondent no. 4. It has specifically been pleaded at para-5 of the counter affidavit that the Disciplinary Authority awarded three black marks to the petitioner and also refused to grant any monetary benefit to the petitioner during the period of his absence on the theory of “ no work no pay ” and the aforesaid period has been treated as extraordinary leave. It has also been pleaded in the counter affidavit that the pension of the petitioner has already been fixed and so far as the other retrial dues such as gratuity etc. are concerned, letter has been issued to A.G Bihar, Patna. In support of the above stated averments, Annexures-A and B have been annexed with the counter affidavit.

Learned counsel for the petitioner submits that petitioner shall challenge the order of Disciplinary Authority by



filing a separate writ petition and so far as the present writ petition is concerned, up till now only pension has been fixed and except the aforesaid fixation, nothing has been paid to the petitioner.

Learned counsel appearing for the A.G Bihar , Patna submits that the A.G, Bihar, Patna has to issue only two P.P.O letters which might have already been issued to the petitioner subject to verification by the concerned authorities.

In my view, this writ petition can be disposed of giving direction to the respondent no. 5 to ensure the issuance of P.P.O of the petitioner by the concerned officer within a month from the date of receipt/ production of a copy of this order, if the same has not been issued as yet.

However, the respondent no. 4, who shall also look into the matter and ensure the payment of admitted retrial dues with statutory interest of the petitioner, if any, the same shall be made to the petitioner within three months, from the date of receipt/ production of a copy of this order. It is made clear that if petitioner is dissatisfied with the payment made to him, he may approach this Court in accordance with law.

(Hemant Kumar Srivastava, J)

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