

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8739 of 2014

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1. Sunil Kumar Singh S/o Late Nityanand Singh R/o village - Jhauwa, P.S. Awtarnagar, District - Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. The Deputy Inspector General of Police, (Administration) Bihar, Patna
3. The State Of Jharkhand, through Director General of Police, Jharkhand, Ranchi
4. The Deputy Inspector General of Police, Dumka, District - Dumka, Jharkhand
5. The Superintendent of Police, Sahebganj, District - Sahebganj, Jharkhand

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the State : Mr. K.K.Tiwary, AC to SC 27
For the State of Jharkhand : Mr. Dhruba Mukherjee, AAG

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 09-08-2017

Heard Mr. Ajay Kumar Singh, the learned counsel for the petitioner, Mr. Krishna Kant Tiwary, learned AC to SC 27 for respondents No. 1 and 2, and Mr. Dhruba Mukherjee, learned AAG for respondents No. 3 to 5.

The petitioner, in this writ petition, challenges the order of termination of service of his father, Late Nityanand Singh, on the basis of departmental proceeding No. 6/1983 dated 13.03.1984 (Annexure-4), and also the order dated 18.01.2008, contained in memo No. 56, passed by the D.I.G., Dumka in appeal.

The brief facts, relevant for disposal of this writ petition, are that late Nityanand Singh, father of the present petitioner, was appointed as Constable and while he was posted in Santhal Pargana a departmental proceeding was initiated against him for his long absence without any information to the concerned authority. Thereafter, vide order dated 13.03.1984 he was dismissed from service.



Nityanand Singh filed appeal before the D.I.G., police but vide order dated 18.01.2008 his appeal was also dismissed. Nityanand Singh moved this court by filing CWJC No. 14279 of 2005 against the order dated 13.03.1984 but the writ petition was dismissed, as having become infructuous, vide order dated 04.08.2011 because Nityanand Singh died on 29.10.2005 and no substitution petition was filed. Thereafter, the petitioner filed the present writ petition in the year 2014.

The learned counsel for the petitioner submits that father of the petitioner was mentally ill and he was under treatment of Dr. Tusar Kanti Ganguly till 05.05.1997 and before that he was under treatment of different doctors of Mental Hospital, Kanke, Ranchi. Nityanand Singh joined his service in the year 1997 and for the first time he got the order of dismissal in the year 2004. The order of dismissal does not disclose any reason nor any departmental proceeding was held. Nityanand Singh filed CWJC No. 14279 of 2005 but he died on 29.10.2005. The petitioner, being son of Nityanand Singh, filed this writ petition on 08.05.2014. The learned counsel for the petitioner submits that order of dismissal of father of the petitioner is absolutely illegal.

On the other hand, the learned counsel for respondent Nos. 3 to 5, who are the contesting respondents, submits that the order of dismissal was passed in the year 1984. According to averment made by son of Nityanand Singh, Nityanand Singh joined the service in the year 1997 but he kept mum for years and he did not file any petition for payment of salary. Nityanand Singh filed writ petition in the year 2005 but he did not bring on record the appellate order passed by the D.I.G., Police. The writ petition was filed at a very belated stage.

Having heard the submission of the parties and on perusal of the records, it is apparent that Nityanand Singh, father of the petitioner, was



dismissed from service in the year 1984 on the ground of his long absence. The learned counsel for the petitioner submits that Late Nityanand Singh joined his service in the year 1997 but no paper of such joining is filed with the writ petition. The learned counsel further submits that Nityanand Singh continued to work till the year 2005 but when he came to know that he was dismissed from service he filed appeal as well as writ petition, CWJC No. 14279 of 2005. The submission of the learned counsel for the petitioner is not at all acceptable on the simple ground that it is unbelievable that a person cannot move any competent authority for non payment of his salary if he is said to have worked for about seven years from 1997 to 2004. The writ petition, CWJC No. 14279 of 2005, was dismissed on 04.08.2011, i.e., after six years of its filing as no substitution was filed although Nityanand Singh died on 29.10.2005.

On the ground of such long delay, this court is not at all inclined to interfere in the order of dismissal of father of the petitioner. In the result, this writ petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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