

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15189 of 2016

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Manoj Kumar Son of Arun Paswan Resident of Village-Bhaikh, Post-Bhaikh, PS-Makhdumpur, District-Jehanabad

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary Govt. of Bihar, Patna
 2. The Director General Cum Inspector General of Police, Bihar, Patna
 3. The Director General of B.M.P., Patna
 4. The D.I.G., B.M.P., Patna
 5. The Commissioner, B.M.P.-2, Dehri, District-Rohtas
 6. The Central Selection Board, (Constable Recruitment) Govt. of Bihar, Patna, through its Chairman
 7. The O.S.D., Central Selection Board (Constable Recruitment) Govt. of Bihar, Patna
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Ranjeet Jha, Adv.

For the Respondent/s : Mr. Md.Nashrul Hoda Khan-Sc1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 24-08-2017 Heard learned counsel for the parties.

The petitioner is aggrieved by the order bearing Memo No. 68 dated 29.3.2016 whereby the petitioner has been dismissed from service under the order of the Commandant, Bihar Military Police, Dehri, in the district of Rohtas. A copy of the order has been impugned at Annexure 15 to the supplementary affidavit. The commandant not being satisfied by the order has also issued a subsequent order bearing Memo No. 1280 dated 20.4.2016 which has been placed on record vide Annexure 16 to the supplementary affidavit, whereby the order has been issued to recover salary received by the petitioner during his service period amounting to Rs. 5,79,055/-.

Mr. Jha, learned counsel for the petitioner, while



assailing the orders in question does agree that he has filed a statutory appeal which is pending consideration before the respondent D.I.G., B.M.P., Patna (respondent no.4), a copy of which is placed at Annexure 1. He submits that because of the delay in disposal of the appeal by the appellate authority and since in the meantime a recovery order has been passed that the present writ petition has been filed.

Having heard learned counsel for the parties and considering that the appeal preferred by the petitioner before the appellate authority i.e. D.I.G., B.M.P., Patna is pending consideration, I deem it proper to dispose of this writ petition with a direction to the D.I.G., B.M.P., Patna (respondent no.4) to consider and dispose of the appeal of the petitioner in accordance with law and after opportunity of hearing to the petitioner expeditiously and preferably within three months from the date of receipt/ production of a copy of this order.

Until final adjudication of the matter in contest, the recovery proceeding initiated against the petitioner vide Memo No. 1280 dated 20.4.2016 by the Commandant, Bihar Military Police, Dehri in the district of Rohtas shall remain stayed.

The writ petition is allowed with the directions aforementioned.

(Jyoti Saran, J)

Surendra/-

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