

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14815 of 2017

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Surendra Ram (Constable No. 1140) S/o Late Ram Sahay Ram resident of
Village - Jalpura, Post - Sirpalpur, P.S. - Koilwar, District - Ara (Bhojpur).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Respondent/s : Mr. Manish Kumar - Gp4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 Though, this Court finds that the petitioner being a

habitual absconder, there is no scope for interference with the

impugned order of punishment dated 22.10.2008, however,

considering the fact that the petitioner has been dismissed from

service on the charge of absence of 100 days, I deem it fit and

proper to remit the matter back to the appellate authority i.e.

Director General of Police, Tirhut Division, Muzaffarpur to

consider the quantum of punishment.

On going through the materials on record and also

hearing the parties, this Court finds that there is no irregularity in

the conduct of the departmental proceeding leading to passing of

the punishment order dated 22.10.2008 as well as the appellate



order dated 28.1.2011, especially on account of the fact that even the enquiry officer has found all the charges to have been proved and has held the petitioner guilty of the charges.

It appears that the petitioner herein had absconded on 39 occasions and had been punished 15 times. In view of the aforesaid, though the order of punishment dated 22.10.2008 and the appellate order dated 28.1.2011 are upheld, nonetheless, the order passed by the Director General of Police, Bihar, Patna, dated 28.1.2011 is set aside to the extent of infliction of punishment and the matter is remitted back to the Director General of Police for reconsideration regarding quantum of punishment.

It is made clear that this Court has not expressed any opinion on the merits of the case, however, necessary orders regarding quantum of punishment, to be inflicted on the petitioner, be passed by the Director General of Police within a period of 8 weeks from today.

It is also made clear that henceforth, no writ petition, on the same subject matter as the one involved in the present case, would lie before this Court.

(Mohit Kumar Shah, J)

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