

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17500 of 2010

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Liyakat Ali Khan S/O Sultan Ahmad Khan R/O Vill.-Chandauli, Gangauli, P.S.-
Sadar, Distt.- Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Director General and Inspector General of Police
Old Secretariat, Bihar, Patna
2. The Addl. Director General of Police, Saran Kshetra, Chapra, Bihar
3. The Superintendent of Police, Saran, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv.
Mr. Ajay Kumar, Adv.

For the Respondent/s : Mr. SC 3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 12-07-2018

The petitioner by way of the present writ petition has challenged the order of punishment dated 28.4.1988 whereby and whereunder the petitioner has been dismissed from service.

The learned counsel for the petitioner has submitted that the aforesaid departmental enquiry has been conducted ex parte and the petitioner has been denied opportunity of hearing. It is further submitted that the criminal case, on the basis of which the departmental proceeding in question was initiated, has resulted in acquittal of the petitioner herein by a judgment dated 19.2.2002 passed by the learned Additional Sessions Judge, IV, Siwan. The learned counsel for the petitioner submits that the petitioner is willing



to concede to the extent that if the order of punishment is quashed, he will not claim any back wages.

It is very surprising that the State even after lapse of eight years has not bothered to file any counter affidavit.

In view of the averments made in the writ petition as also having considered the facts and circumstances of the case, I find that the departmental proceeding has been conducted behind the back of the petitioner, hence the order of punishment cannot be sustained, thus the order of punishment is quashed. However, it is held that the petitioner shall not be entitled to any back wages, as has been conceded by the petitioner before this Court.

The writ petition is allowed.

(Mohit Kumar Shah, J)

BTiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.07.2018
Transmission Date	

