

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 18916 of 2013

Along with

Interlocutory Application No. 1977 of 2018

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Suresh Paswan, Son of Late Asharfi Paswan, Resident of Village- Chamangarh,
P.O. Kalarampur, P.S. Nayaram Nagar, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State of Jharkhand, Ranchi.
3. The Director General of Police, Bihar, Patna.
4. The Director General of Police, Jharkhand, Ranchi.
5. The Inspector General of Police, Jharkhand, P.S. and District- Ranchi.
6. The Inspector General of Police, Bihar, P.S. Patna, District- Patna.
7. The Regional Inspector General of Police, Chotanagpur Range, Ranchi, P.S. and P.O. and District- Ranchi.
8. The Deputy Inspector General of Police, Jharkhand P.S. and District- Ranchi.
9. The Deputy Inspector General of Police, Bihar, P.S. Patna, District- Patna.
10. The Superintendent of Police, Dhanbad, P.S. Dhanbad, District- Dhanbad.
11. The Superintendent of Police, Daltenganj, P.S. and District- Daltenganj.
12. The Superintendent of Police, Nalanda, P.S. and District- Nalanda.
13. Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Mr. Rajiv Roy, G.P. 1
		Mr. Suresh Kumar, A.C. to G.P. 1
For the State of Jharkhand	:	Mr. D. Mukherjee, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 15-03-2018

Re.: Interlocutory Application No. 1977 of 2018

Heard learned counsel for the petitioner; State of Bihar
and State of Jharkhand.

2. The present Interlocutory Application has been filed
for modification of the order dated 08.03.2018 by which the Court
has clarified that it shall not be granting any fresh opportunity for
service of copy, as the order is of the year 2014 and if it transpires



that copy has not been served, it will be a ground for summary dismissal of the writ petition.

3. Learned counsel for the petitioner submitted that he along with another learned counsel have filed fresh power in the present case on 07.03.2017.

4. It was further submitted that the order dated 17.07.2014, by which the petitioner was directed to serve two copies of the writ petition on the counsel for the Accountant General, the previous counsel appearing on behalf of the petitioner had informed that he has served a copy but the receipt is untraceable.

5. Having considered the matter, the Court does not find that sufficient cause has been shown to explain the observation made by the Court in its order dated 08.03.2018. The matter was admitted for hearing on 17.07.2014 with a direction to the petitioner to serve two copies of the writ petition upon learned counsel for the Accountant General. Thereafter it appears that another counsel had appeared in the case after taking No Objection from the original learned counsel, who had filed the writ petition. Subsequently, again two new counsel have entered appearance after taking No Objection on 07.03.2017.

6. The manner in which the case has been conducted by the petitioner does not reflect *bona fide*. Further, there is no record to



indicate that the order of the Court dated 17.07.2014 has been complied. At the stage of final hearing, the Court cannot give any indulgence, after over three and a half years, to the petitioner to comply with the same which would mean that the case would again have to be considered afresh as the Accountant General would now be required to file a counter and then the petitioner may require time to reply to the same. At the stage of final hearing such indulgence cannot be granted to any party.

7. Accordingly, the prayer made in the Interlocutory Application No. 1977 of 2018 stands rejected.

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8. The Court had indicated in the order dated 08.03.2018, the case was adjourned only for the receipt showing service of notice on learned counsel for the Accountant General to be filed in the Registry on that day itself, so that the name of learned counsel would appear in the cause list, making it clear that it was not granting any fresh opportunity for service of copy and that if it transpires that copy had not been served, it will be a ground for summary dismissal of the writ petition.

9. The Court finds no reason to take a different view today.

10. At this stage, learned counsel for the petitioner



submitted that substantial payments have been made to him but final pension has not been fixed, which is required to be done by the Superintendent of Police, Nalanda.

11. Learned counsel for the respondents submitted that the petitioner may file a representation before the respondent no. 12, who may be directed to consider the same.

12. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file an appropriate representation before the respondent no. 12. If such representation is filed within four weeks from today, the respondent no. 12 shall look into it and after verifying from the records, pass a reasoned order with regard to the entitlement of the petitioner, within four weeks from filing of the representation. If it transpires that any further payment is required to be made to the petitioner, the same shall also be done within the next two months.

(Ahsanuddin Amanullah, J.)

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