

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3723 of 2014

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Kishori Sharma Son Of Late Balmukund Singh Resident Of Village And Post-
Lari, P.S.- Kurtha, District- Arwal

.... Petitioner/s

Versus

1. The State Of Bihar, Through Director General Of Police, Govt. Of Bihar, Patna
2. The Director General Of Police (D.G.P.) Government Of Bihar, Old Secretariat, Patna
3. The Inspector General (I.G.), Rail District- Patna
4. The Deputy Inspector General (D.I.G.), Rail District Patna
5. The Superintendent Of Police (S.P.) Rail District Patna
6. The Superintendent Of Police (S.P.) District- Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Advocate
Mr. Rajnish Kumar, Advocate
For the Respondent/s : Mr. D.K. Verma, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 13-07-2018

Heard learned counsel for the petitioner and the respondent
State.

2. The petitioner has filed the writ petition seeking a
direction upon respondents to pay his arrears of ACP with interest and
benefits of promotion to the post of SI with effect from 2004.

3. It is submitted by the State counsel that the petitioner
has been visited with altogether 12 punishments during service period.
It is also submitted that departmental proceedings no. 24 of 2008 was
conducted against him in which under order dated 20.10.2007 he has



been awarded a major penalty and with effect from 28.02.2010 he has been compulsorily retired from the District Rail Police.

4. It is submitted that the effect of the said decision was continuing up till 20.10.2010 i.e. much beyond the petitioner's compulsory retirement dated 28.02.2010. Therefore, the authorities have not found him entitled to grant the benefits under ACP scheme or any other economical benefits as claimed by the petitioner with effect from 01.01.2004 with respect to his promotion in the rank of SI.

5. This Court finds that since the said promotion was subject to departmental proceedings and since the petitioner has been visited with major penalty in the departmental proceedings no. 24 of 2008 on 20.10.2007, he has not been found eligible for grant of benefits as prayed for in the writ petition. The claim of the petitioner is not sustainable.

6. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

