

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1663 of 2015

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Kamta Prasad S/o Sri Parmeshwar Charan, Resident of village- Sheer Bhuka, P.S.-
Hariharganj District- Plamu (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Patna.
2. The Director General of Police, Bihar.
3. The Inspector General of Police Magadh.
4. The Superintendent of Police Aurangabad. .

.... Respondent/s

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For the Petitioner/s : Ms Alka Verma, Advocate

For the S t a t e : Mr Navnit Kumar, AC to SC XVII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 25-06-2018

Heard learned counsel for the petitioner and the
respondent-State.

2 It is submitted by the learned counsel for the petitioner that the punishment of dismissal is disproportionate to the charges and in contravention of the provisions of Rule 826 of the Bihar Police Manual which mandates that the past service of the charged employee is a relevant consideration in deciding the quantum of punishment. Learned counsel for the petitioner submits that the petitioner's past service is unblemished and that this issue has not been considered either by the Deputy Inspector General of Police (for brevity, *DIG*) who has issued the petitioner's order of dismissal or by the Inspector General of Police (for brevity, *IG*) while disposing of the petitioner's appeal. The order passed by the DIG is dated 06.09.2003 and the order passed by the IG is dated 07.12.2004.



3 In view of this limited submission made by the learned counsel for the petitioner, this Court would only notice that the scope of the writ jurisdiction in deciding the issue of quantum of punishment is very limited. Even otherwise, the representation filed by the petitioner on 07.03.2005 before the Director General of Police (for brevity, *DGP*), as per stand of the respondents in paragraph 21 of the counter affidavit, is still pending for consideration of the authority. The stand taken by the respondents regarding pendency of the representation filed in the year, 2005 till date is very shocking.

4 However, since the matter is still pending, this Court would only direct that while taking a final decision on the representation dated 07.03.2005 filed by the petitioner, Respondent No 2, the DGP may take into consideration the submission of the learned counsel for the petitioner in respect of the quantum of punishment which has been noticed hereinabove.

5 Let a final decision be taken on the said representation within a period of eight weeks from the date of receipt/production of a copy of this order.

6 The writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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