

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5182 of 2015

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Roshan Kumar son of Late Sanjay Prasad Singh resident of Village + Post Rampur
Dumra, P.S. Marach, Distt. Patna Presently Sub-Inspector General of Police,
Hajipur Town, P.S. & Dist. Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police cum Inspector General of Police, Bihar, Patna.
2. The Director General of Police, Patna.
3. The Deputy Inspector General of Police, Muzaffarpur Zone, Muzaffarpur.
4. Superintendant of Police, Bagha.
5. The Deputy Inspector General (Homan Rights), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Arvind Kumar Sharma, Advocate Mis. Kumari Neha, Advocate Mis. Ritika Rani, Advocate Mr. Vijay Kumar Vimal, Advocate
For the Respondent/s	:	Mr. H.S. Roy, AC to AG

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 27-08-2018

Heard learned counsel for the petitioner as well as respondent State.

2. Pursuant to a proceeding the petitioner was visited with a punishment order dated 27.12.2011 whereby his increment for six months was withheld which is equivalent to one black mark and the petitioner was denied emoluments for the period of suspension. The said punishment was never challenged by the petitioner.

3. In exercise of powers under Rule 853A of the Bihar



Police Manual, the Director General of Police (for short 'DGP') has issued the order dated 12.04.2014 bearing memo no. 4526 enhancing the punishment to one of reduction to the lowest scale of pay.

4. Counsel for the petitioner has pointed out that there is a decision of the DGP dated 20.12.2011 that such punishment of reduction to the lowest scale of pay has not been specified in Rule 824 of the Bihar Police Manual. This has been circulated to all the police officials taking exception to the fact that the punishment of reduction to the lowest scale of pay is being repeatedly awarded to many accused persons in the departmental proceedings even though it is not one of the punishments contemplated under Rule 824 of the Bihar Police Manual.

5. Limited submission made by counsel for the petitioner is that the DGP himself has under communication dated 20.12.2011 circulated a decision not to award the punishment of reduction to the lowest scale of pay. But under order dated 12.04.2014 the same punishment has been awarded to the petitioner ignoring the communication dated 20.12.2011. The specific assertion of the petitioner has been made in the writ petition. The respondents have not denied or disputed the said averments. Though they have given a parawise reply but in respect of such assertions, they have offered "no comments".



6. This Court considers it appropriate that interest of justice would be served if the respondent no. 1 reconsiders the punishment awarded under order dated 12.04.2014 and award any other punishment in accordance with law.

7. Writ petition is disposed off with the aforesaid observations.

8. Since admittedly the punishment awarded under order dated 12.04.2014 is unsustainable, this Court would observe that till further decision is taken by the respondent no. 1, the petitioner would be entitled to consequential benefits in light of the punishment earlier awarded under order dated 27.12.2011.

9. The respondent no. 1 shall take a fresh decision expeditiously in accordance with law after affording due opportunity to the petitioner.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

