

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19919 of 2018

Mahendra Pratap Singh, son of late Brajendra Pratap Singh, resident of Village Garh Barwari, P.S. Supaul, Dist. Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Home Police Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Old Secretariat, Patna.
4. The Joint Secretary, Home Department, Special Branch, Patna.
5. The Inspector General of Bihar, Bhagalpur.
6. The Superintendent of Police, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh, Adv. Mr. Bharat Bhushan, Adv.
For the Respondent/s	:	Mr. Mankeshwar Tiwari, AC to AAG3

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 06-11-2018

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

In the present case, the petitioner was posted as S.D.P.O. at Tarapur Sub-Division and is going to retire on 31.1.2019. Before Tarapur, the petitioner was posted at Saharsa in B.M.P.-12 and he was brought to Tarapur Sub Division vide notification no. 6978 dated 29.8.2018 and, accordingly, he joined at Tarapur on 1.9.2017. The petitioner remained there for one year and, vide notification no. 8578 dated 29.9.2018, he has been transferred from Tarapur Sub-Division to Special Branch, Patna.

Learned counsel for the petitioner submits that the petitioner is going to retire on 31.1.2019, only few months left for



his retirement and there is a policy of the Government that in the last year of tenure of service, the employee will be allowed to be posted at the place as per his choice and, in the present case, he wants to stay at Tarapur, Munger.

This Court, vide order dated 11.10.2018, had adjourned the case directing the State to file counter affidavit and, in the meantime, no coercive step will be taken against the petitioner but, in the meantime, another person, namely, Ramesh Kumar, who was transferred from the Headquarter, Bhagalpur to Tarapur, Munger, has been allowed to take charge from the petitioner and coercively the petitioner was to handover the charge to him.

As the petitioner has to retire in a short period of time, this Court directs the Joint Secretary, Government of Bihar that the petitioner should be allowed to function at Tarapur as S.D.P.O. till his retirement as per the policy decision of the State Government and Sri Ramesh Kumar should be adjusted at appropriate place.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.11.2018
Transmission Date	

