

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.908 of 2019

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Madan Mohan Singh Son of Late R.P. Singh R/o Ramji Chak, Digha, P.S.
Digha, District-Patna

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Principal Secretary Home Police Department, Government of Bihar, Patna
3. The Deputy Secretary Home Police Department, Government of Bihar, Patna
4. The Additional Director General of Police Home (Police), Government of Bihar, Patna
5. The Additional Director General of Police, Special Branch, Bihar, Patna
6. The Superintendent of Police Special Branch, Bihar, Patna

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Srivastava Ms. Rajni Gandha
For the Respondent/s	:	Mr.Md. Nadim Seraj, GP 5 AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-05-2019 Matter has been listed today in the Summer vacations as the learned Counsel for the petitioner was desirous for consideration of his case during Vacation.

The slip for listing was filed pursuant to notice dated 08th May 2019, published prior to the Vacation.

The matter is, accordingly taken up for consideration as both parties are present and willing to assist the Court for disposal of the matter.

Upon his promotion as Deputy Superintendent of



Police, the petitioner was directed on 31.12.2016 to comply with the movement/transfer order posting him at Special Branch from his earlier posting as Inspector at Aurangabad. On account of non compliance with the movement order, the petitioner has been placed under suspension. Charge Memo on Prapatra 'Ka' was communicated to the petitioner on 21.2.2018. He submitted his written statement dated 14.3.2018 in the month of May 23018. The petitioner has submitted medical grounds along with documents in support of his treatment before the authorities, so as to justify non compliance with the movement/transfer order.

The petitioner is aggrieved by continuance of suspension and has approached this Court for relief of quashing of the suspension order. The proceedings have already commenced by service of charge memo. About more than one years has lapsed since the petitioner submitted his written statement.

In the counter affidavit filed on behalf of respondent Nos. 2 and 3, the stand of the department is that the issue is being examined at the level of Director General of Police and that upon final decision in this regard by the Police Headquarter appropriate action will be taken in the matter.

This Court for the moment is not concerned with the



decision to be taken by the authorities, however, this Court would observe that unnecessary pendency of the proceeding is unwarranted. The authorities should take a final decision and proceed accordingly expeditiously. In view of the stand taken in the counter affidavit that decision of the Police Headquarter is awaited, pendency of the writ petition would be of no avail.

The writ petition is disposed of. The authorities however should ensure that pursuant to their stand taken in the counter affidavit in paragraph 14 appropriate action should be taken expeditiously and without any undue delay in accordance with law.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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