

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1659 of 2018

Arising out of

Civil Writ Jurisdiction Case No.13070 of 2017

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Shesh Nath Ram Son of Late Hukum Ram, resident of Village- Jhanjhari,
P.S.- Inarwa Bazar, District- Eest Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. Sri K.S. Dwivedi, the Director General of Police Bihar, Patna.
3. Sri Gupteshwar Pandey, the Additional Director General of Military Police, Bihar, Patna.
4. Sri Ajay Kumar Mishra, the Deputy Inspector General, Military Police, Central Zone, Patna.
5. Mr. Sunil Kumar, the Commandant, B.M.P.- 16, Phulwari Sharif, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the State : Mr. Lalit Kishore, AG with
Mr. Pawan Kumar, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-10-2019

Heard learned counsel for the petitioner and Mr. Lalit Kishore, learned Advocate General for the State.

2. Pursuant to order dated 17.09.2019, the Director General, Bihar Military Police as well as the Commandant, BMP 16 are present. Show cause has been filed on their behalf.

3. The controversy relates only as to with effect from what date the petitioner would be deemed to have been Sub Inspector in light of order dated 04.01.2018 passed in CWJC No.



13070 of 2017. The clear pointer in the order of the writ Court was that the impugned order reverting him to the post of Havildar dated 04.08.2017 was quashed and the petitioner was restored to his position as Sub Inspector. Earlier, the authorities had granted him fresh promotion to the post of Sub Inspector but with effect from 02.02.2018.

4. In the show cause filed today, the stand is that such discrepancy has been removed and the petitioner has been given continuity as Sub Inspector from 29.08.2016.

5. However, learned Advocate General pointed out that the authorities had moved in appeal against the writ Court order and the decision of the authorities as of now would be subject to such decision by the appellate Court.

6. Having regard to the aforesaid, the Court finds that the order date 04.01.2018 passed in CWJC No. 13070 of 2017 stands complied with.

7. It goes without saying that a party has the right to move before the appellate forum which is inherently available to it and in terms of the State Litigation Policy. The authorities having complied with the order and making it subject to the decision in the appeal, cannot be faulted.

8. In view thereof, the application stands disposed off.



9. Personal appearance of the officers stands dispensed
with.

(Ahsanuddin Amanullah, J)

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