

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1887 of 2016

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Bachcha Mishra @ Bachcha Prasad Mishra son of Late Ramji Mishra,
Resident of village- Baksara, P.S.- Itadahi, District- Buxar

... .. Petitioner

Versus

1. The State Of Bihar The Principal Secretary, Home Department, Govt. of Bihar, Patna
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police-cum-Appellate Authority, Central Range, Bihar, Patna
5. The Deputy Inspector General of Police, Sahabad Range, Dehri-on-sone
6. The Super-in-tendent of Police, Buxar
7. The Deputy Super-in-tendent of Police, Dumraon, Buxar

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Mrigank Mauli, Advocate and Mr. Kumar Praveen, Advocate
For the Respondents	:	Mr. Anjani Kumar, AAG 4 Mr. Saroj Kumar, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-01-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

It is submitted by Mr. Mauli, learned counsel for the petitioner that about four years after petitioner's retirement the impugned order has been issued whereby and whereunder petitioner has been awarded punishment of dismissal from service with effect from the date of occurrence, i.e., 4.2.2010. He submits that on basis of that order, purporting to be a retrospective dismissal order, authorities are not justified in stopping his payment of pension as the Bihar Pension Rules



does not permit such a punitive consequence under Rule 43b of the Bihar Pension Rules. Apart from that, order of dismissal has also been assailed on account of the proceedings being marked by the procedural lapse.

The petitioner however has approached the Appellate Authority. The appeal of the petitioner has been filed on 5.11.2014 before the Inspector General of Police, Central Range, Patna (respondent no.4). Petitioner's counsel submits that in spite of the appeal having been filed more than four years back, the same has not been considered/disposed of till date.

In view of the said submissions, this Court would direct respondent no.4 to consider petitioner's appeal (Annexure 18). During the course of consideration, submission advanced on behalf of the petitioner in the instant proceedings, may be raised by the petitioner before the Appellate Authority.

The Appellate Authority, needless to say, is under a legal and statutory obligation to consider the submissions raised by the petitioner by a reasoned and speaking order and dispose of the claim/appeal in accordance with law after due opportunity within a period of three months from the date of receipt/production of a copy of this order.

To facilitate such expeditious disposal of the appeal,



petitioner should appear before respondent no. 4 within two weeks from today.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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