

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4082 of 2016

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Ram Adhar Singh son of Late Ram Ishwar Singh, Resident of village-
Sumerpatti, P.O.- Shitalpur, P.S.- Dariyapur, District- Chapra Saran

... .. Petitioner/s

Versus

1. The Commandant, Jharkhand Military Police 4
2. The Commandant, Jharkhand Military Police-3, Govindpur, Dhanbad,
through the Department of Home, State of Jharkhand
3. The State of Bihar through the Commandant, Bihar Military Police, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr.Awadhesh Kumar Singh “Tarun”
For the Respondent no.1 :	Mr.Manjari Nath
For the Respondent no.2 :	Mr.Ravi Bhardwaj

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-05-2019 Heard counsel for the petitioner and counsel for the
State of Bihar as well as counsel for State of Jharkhand.

Petitioner was constable and was on magazine sentry duty. On account of certain misconduct arising out of incident wherein petitioner indulged in firing from his official arms leading to injury upon Subedar Major, for which he was subjected to disciplinary proceeding. Petitioner after proceedings, was dismissed from service on 27.01.1985. The order of dismissal has never been assailed by the petitioner, till date.

Relying upon acquittal in parallel criminal proceeding, in Sessions Trial No. 70/1990-51/1995 by the court



of Additional Sessions Judge, Fast Track Court 3rd Bokaro, he has filed this writ petition in the year 2016 claiming due salary, allowance, provident fund, gratuity and other amounts on a presumption that he was entitled to be reinstated upon acquittal.

Dismissal of the petitioner was not based on petitioner's conviction in Sessions Trial No. 70/1990-51/1995, but was pursuant to duly constituted departmental proceeding long back. Same remains unchallenged till date. Dismissal was not on account of conviction in a criminal case. Apart from that pleadings disclose that even after his acquittal in criminal case, petitioner has not approached the authority for the said grievance. Instant case is of gross delay and laches. This court in the facts and circumstances is not inclined to exercise its jurisdiction in favour of the petitioner.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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