IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3452 of 2016

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Ram Kumar Singh son of Late Ram Govind Singh, Resident of Village- Guda, P.S.- Khajuria, District- Bhojpur, Bihar.

... ... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Home Government of Bihar Old Secretariat Patna
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Deputy Inspector General, Police Head Quarters, Bihar, Patna.
5. The Deputy Inspector General, Champaran Range, Bettia, Bihar.
6. The Superintendent of Police, East Champaran, Motihari, Bihar.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Vaishav V. Kram Singh, Advocate
Mr.Surendra Kumar Singh, Advocate
For the Respondent/s : Mr.Manoj Kumar, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
Date : 18-04-2019

Heard learned counsel for the petitioner and the respondent State.

The petitioner has challenged the orders dated 14.12.2002 issued by the Superintendent of Police, East Champaran, Motihari, 25.09.2003 issued by the Deputy Inspector General of Police, Champaran Range and 16.08.2005 issued by the Director General of Police Bihar as well as the Resolution dated 17.10.2011 passed by the Deputy Inspector General, Champaran Range, Bettiah. The petitioner was subjected to a proceeding. The order of punishment of dismissal was passed by the

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Superintendent of Police. The petitioner chose not to appear in the proceedings. After considering documents and witnesses the punishment of dismissal was awarded to the petitioner in the proceedings. The departmental proceeding was a subject matter of proceedings arising out of C.W.J.C. No. 5187 of 2006 earlier filed by the petitioner. On 04.11.2010 after considering the entire issues, this Court was of the opinion that in view of the background, nature of allegations and material there was no need for interfering with the punishment order. While dismissing the writ petition filed by the petitioner, this Court has also taken note of the fact that the petitioner has chosen not to participate in the proceedings. The punishment of dismissal having been affirmed by this Court in the proceedings arising out of C.W.J.C. No. 5187 of 2006, this successive writ petition for the same relief is not maintainable. It is worth noticing that against the order dated 04.11.2010 passed in C.W.J.C. No. 5187 of 2006 petitioner had not preferred any appeal and the said judgment is final and binding upon the parties.

Learned counsel for the petitioner makes a second submission that the trial which was on the identical charges for which the proceedings were conducted against the petitioner has concluded in his favour. He submits that he was acquitted in the

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said proceedings and therefore, relying upon decision in the case of **G.M. Tank vs. State of Gujrat & Ors.** reported in **(2006) 5 SCC 446** and **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd., & Ors** reported **1999 (3) SCC 679.** He submits that the authorities should reconsider the punishment granted to the petitioner. That aspect of the matter has been considered as is evident from the order dated 16.03.2015 issued by the Director General of Police. The authority has considered the fact that acquittal of the petitioner in the criminal trial was due to lack of evidence whereas in the departmental proceedings the findings were based on material produced in the course of enquiry. The decision of the Director General of Police appears to be correct. More so in view of the fact that order of punishment has already been considered and approved by this Court in C.W.J.C. No. 5187 of 2006.

There is no occasion for this Court to interfere with the order of punishment and appellate or revisional orders.

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

(Madhuresh Prasad, J)

Prakash/-

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