

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4031 of 2016**

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Ramji Singh Son of late Sant Vilash Singh Resident of Village- Narhi Chandi  
P.s Koilwar District Bhojpur.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Director General of Police , Department of Home, Government of Bihar, Patna.
3. The Inspetor General of Police Karmik Department of Home, Government of Bihar, Patna
4. The Deputy Inspector General of Police Karmik Department of Home Government of Bihar, Patna.
5. The Inspector General of Police, C.I.D. Department of Home Government of Bihar, Patna.
6. The Deputy Inspector General of Police, C.I.D. Department of Home Government of Bihar, Patna.
7. The Superintendent of Police C.I.D Department Of Home Government of Bihar, Patna.
8. The Deputy Superintendent of Police C.I.D. Department of Home, Government of Bihar, Patna.
9. The Superintendent of Police Karmik Department of Home Government of Bihar, Patna.
10. The Deputy Superintendent of Police Karmik Department of Home Government of Bihar, Patna.
11. The Superintendent of Police Confidential C.I.D Department of Home Government of Bihar, Patn
12. The Superintendent of Police, Gadhwa Bihar Gadhwa, Jharkhand.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr. Arjun Prasad  
For the Respondent/s : Mr. Prabhat Kumar, AC to GA XI

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      20-06-2019                      The writ petition has been filed for quashing of the  
  
order dated 2.4.2013 whereby services of the petitioner as  
  
Constable was terminated pursuant to a departmental



proceeding.

Counter affidavit has been filed by the State Counsel. Annexure 'A' thereto is an order issued by Superintendent of Police, Criminal Investigation Department, dated 4.6.2018. The respondent authorities, realising the fact that prior to issuance of order of punishment i.e. 31.1.2013 the petitioner had already crossed his age of superannuation, have substituted the punishment of dismissal by a punishment under Rule 43B of the Bihar Pension Rules whereby and whereunder 20% of the pension has been directed to be withheld for a period of five years from the date of superannuation of the petitioner.

The order dated 2.4.2013 against which the writ petition has been filed, therefore, in view of the development subsequent to filing of the writ petition, does not exist any more. The issue raised in the writ proceeding has already lapsed due to order dated 4.6.2018 passed by Superintendent of Police, Criminal Investigation Department.

Earlier copy of the counter affidavit was served on the petitioner's Counsel on 2<sup>nd</sup> May 2019 and in spite of indulgence granted no rejoinder or reply has been filed by the petitioner.

The writ petition therefore has become infructuous.

It will be open to the petitioner to assail the order dated 4.6.2018 in a separate proceeding.

The writ petition is dismissed as infructuous.

**(Madhuresh Prasad, J)**

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