

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5488 of 2016

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Rinku Singh wife of Dharmendra Singh, Resident of village- Ekauna, P.O.-
Ekauna, District- Bhojpur at Ara, Presently posted in District Force Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Deputy Inspector General of Police-cum-Appellate Authority, Tirhut
Division, Muzaffarpur
3. The Senior Superintendent of Police-cum-Disciplinary Authority,
Muzaffarpur
4. The Police Inspector-cum-Officer In Charge-cum-Conducting Officer, Kazi
Mohammadpur Police Station,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bindhyachal Singh
		Mr. Satya Prakash
For the Respondent/s	:	Mr.AAG 8- Gautam Bose

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-11-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Mr. Singh appearing for the petitioner submits that
punishment of withholding salary for six months from 17.11.2013 to
22.05.2014 is without due consideration. He further submits that
Jethani of the petitioner had passed away on 16.11.2013 and under
compelling circumstance, she had to abandon her duty under social
obligation. Had the authorities taken into consideration the factum of
death surely such an excessive punishment could not have been
awarded. Death of Jethani of the petitioner is claimed on the basis of
death certificate dated 16.11.2013. Petitioner as per reply submitted
to the authorities remained absent upto 25.11.2013.



The issue in the instant case is not whether death of the family is sufficient cause to take leave. The issue is whether under any circumstance member of a uniform service such as the instant petitioner who is a constable, when he or she leaves the post and abandons duty, whether he or she is obliged to maintain discipline by giving application for such leave before the competent authority.

Show cause submitted by the petitioner clearly shows that no application has been given to any competent authority. Petitioner has pleaded that she had informed the Chairman, Bihar Police Men's Association and on his assurance, she had proceeded to stay away from duty from 17.11.2013 to 25.11.2013. It is under such circumstance, she has been visited with the punishment in question i.e. withholding of salary for six months.

In the opinion of this court, punishment is not an excessive punishment and this court does not find any reason to interfere with the punishment awarded to the petitioner.

Writ petition stands dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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