

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6638 of 2019

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Dharmendra Kumar, Son of Sri Rajnandan Ram, resident of village Palatu Bigha, P.O. and P.S.- Makhdumpur District Jehanabad- PIN- 804422.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Patna.
2. The Deputy Inspector General, Military Police (Kendriya Mandal), Patna.
3. The Commandant, B.M.P-4, Dumraon (Buxar).

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Anurag Pandey, Advocate
For the Respondents	:	Mr. Md.N.H.Khan (SC-1)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-04-2019

Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 01.10.2016 contained in Memo No. 1486 passed by the Commandant, BMP, Dumraon, Buxar whereby the petitioner has been punished by directing for stoppage of increment in salary for six months which is equivalent to one black mark as well as the order dated 07.05.2018 passed in appeal by the Director General of Police, BMP, Patna contained in Memo No. 470 affirming and upholding the order passed by the disciplinary authority.



3. It appears that the petitioner as a Constable had not shown the urgent despatch in falling in line when he was asked to do so. It was also found that the petitioner had no arms with him. These instances of lapses indicated that the petitioner was not a disciplined Constable and required to be punished. He was suspended in contemplation of a departmental proceeding. The enquiry officer came to the conclusion that on the arrival of the Commandant of BMPolice-4, the petitioner became nervous and therefore could not collect his arms and there was some delay in falling in line. This was not accepted by the Commandant of Police, the disciplinary authority, and a minor punishment of stoppage of pay for six months which is equivalent to one black mark has been slapped upon the petitioner.

4. Finding no fault with the aforesaid order passed by the disciplinary authority, the appeal also was dismissed by the DIG, BMP, Patna.



5. This Court does not wish to interfere with the aforesaid orders impugned for two reasons; one being that commensurate and not harsh punishment has been meted out to the petitioner for his lapses and secondly any interference with these orders would amount to interference in disciplining the police force.

6. This petition is thus dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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