

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8716 of 2016

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Abhijat Kumar, S/o Ganauri Prasad, Resident of village - Sikandra, Post office and Police Station- Shilaw, District – Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, B.M.P. Muzaffarpur
4. The Commandent, B.M.P. 6, Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Respondent/s : Mr. Narendra Kumar, A.C. to G.P.-20

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 13-08-2019 In this case, the petitioner is challenging the order of punishment vide memo no.146 dated 09.06.2015, whereby and whereunder increment of the petitioner for one year has been withheld.

The facts of this case are that the wife of the petitioner, namely, Renu Devi, appeared in the office and vide letter dated 13.02.2015 made complaint of ill treatment by the petitioner with her, which is an offence under Section 498A of the Indian Penal Code. In the application, it has been alleged that the marriage was solemnized in the year 2009 having a good relationship but, when the petitioner was selected and appointed as Constable in the year 2013 all of a sudden



everything has changed and the family members of the petitioner started demanding Rs.5,00,000/- and in the event of non-payment they used to assault the victim. Further allegation has been made that the petitioner has entered into the second marriage. Accordingly, proceeding was initiated and ultimately, the punishment of stoppage of one increment has been inflicted upon the petitioner.

Learned counsel for the State has pointed out that the petitioner has not exhausted the remedy of appeal against the impugned order.

In such view of the matter, this writ petition is disposed of with a direction to the petitioner to avail the remedy of appeal by way of filing an appeal before the Appellate Authority. If such an appeal is filed within 60 days from today, the Appellate Authority would consider and decide the same on merit and take decision in accordance with law.

(Shivaji Pandey, J)

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