

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16983 of 2011

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Khedan Bhagat S/O Late Bhirung Bhagat R/O Village- Debaria, P.S.-
Koilwar, Distt.- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police, Patna
2. The Director General Of Police, Bihar, Patna
3. The D.I.G., Magadh Range, Gaya
4. The Superintendent Of Police, Arwal
5. The Dy. Superintendent Of Police, Arwal

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No-1
For the Respondent/s : Ms.Shally Kumari, AC to SC 24

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 23-09-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Writ petition has been filed by the petitioner who is aggrieved by the order dated 14.10.2010 passed by the Superintendent of Police, Arwal whereby he has been awarded minor punishment of censure and salary for 148 days has been denied to the petitioner treating the period an extra ordinary leave.

The factual background is that the petitioner took leave of 12 days on 15.01.2009. Having over stayed 148 days, he returned to submit his joining. On account of his unauthorized absence of 148 days, he was issued a show cause.



Petitioner's plea for absence was based on illness.

It is submitted by counsel for the petitioner that on 28.01.2009 itself petitioner had also sent an application for extension of leave by registered post. He has given postal receipt number in support of the said contention in para 4 of the writ petition.

On filing of the counter affidavit by the State, fact that the petitioner being implicated in a police case arising out of SC/ST Case no. 23/2008 has been brought on record. The Superintendent of Police, Arwal on 12.01.2009 had issued warrant of arrest to apprehend the petitioner and produce for facing trial in respect of said SC/ST case.

Petitioner after issuance of alleged warrant of arrest had gone on 12 days leave from 15.01.2009 and only after getting bail from the High court, he joined his duty on 25.06.2009. These facts are neither disputed nor denied by filing any rejoinder or reply. In the circumstance, this is admitted position that he was evading arrest due to which he was over stayed on leave has been suppressed by the petitioner before this court.

The aforesaid facts are neither disclosed nor pleaded before the authorities in response to show cause.



Such conduct of the petitioner by approaching this court suppressing relevant material facts in respect of period of overstay would disentitle the petitioner to avail equitable remedy under Article 226 of the Constitution of India. The effect of minor punishment, at best, is denial of salary for the period of overstay.

Having regard to the circumstance, this court is not inclined to exercise jurisdiction in favour of the petitioner.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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