

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.920 of 2018

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Nitesh Kumar Singh son of Sri Narendra Kumar Singh, resident of Village-
Garhatha Khurd, P.O.- Brahmpur, District- Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director General of Police H.Q., Government of Bihar, Patna.
3. The Inspector General of Police, H.Q. Govt. of Bihar, Patna.
4. The Deputy Inspector of General of Police, Saran Range, Chhapra, Bihar.
5. The Superintendent of Police cum Disciplinary Authority, Gopalganj,
District- Gopalganj.
6. The Enquiry Officer-cum- Sub Divisional Police Officer, Hathua, District-
Gopalganj. null null

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Sheo Shankar Prasad -Sc8

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 19-11-2019 The petitioner has put to challenge an order
05.07.2017 issued by the Superintendent of Police, Gopalganj
whereby punishment of entry of one blank mark in his service
book has been awarded against him. Prior to passing of the said
order dated 05.07.2017 the petitioner was placed under
suspension. It was indicated in the order dated 05.07.2017 that
the petitioner would not be entitled to any amount over and
above the subsistence allowance which was paid to him.

A counter affidavit has been filed on behalf of the
respondent State of Bihar from which it appears that the said



order of punishment dated 05.07.2017 has subsequently been recalled by the Inspector General-cum-Director General of Police, after having realized that no presenting officer was appointed in the departmental proceeding which had led to imposition of the above mentioned punishment on the petitioner. The said decision has been communicated to the Deputy Inspector General of Police, Saran, Chapra through letter dated 25.01.2018 issued from the office of the Director General of Police, Bihar, Patna. It seems that a decision has been taken to initiate fresh departmental proceeding strictly in accordance with the provisions of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 with particular reference to Rules-17 and 18 thereof.

The impugned order having been cancelled by the Director General of Police, this writ application has lost its purpose.

Learned counsel appearing on behalf of the petitioner has submitted that since the order of punishment has been cancelled by the higher authority, the petitioner is entitled to full salary for the period during which he had remained under suspension.

Considering the facts and circumstances of the case,



this application is disposed of with an observation that let the department proceeding proposed to be initiated, as indicated in the order dated 25.01.2018 (Annexure-B to the counter affidavit filed on behalf of State of Bihar) be concluded within a period of three months from the date of receipt/production of a copy of this order. If the departmental proceeding is not concluded within the said period, the respondents shall be obliged to pay to the petitioner the full salary for the period during which he had remained under suspension. If the departmental proceeding is concluded within the aforesaid period of three months, the disciplinary authority/competent authority shall be at liberty to take appropriate decision on the point of payment of salary for the period during which the petitioner had remained under suspension.

This application stands disposed of with the aforesaid mentioned direction and observation.

(Chakradhari Sharan Singh, J)

Prakash Narayan /-

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