

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.793 of 2017

SI. 333, Anil Kumar S/o late Shidheshwar Prasad Singh Resident of Village-
Khanpura, P.O. & P.S. - Bhagwanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police , Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. Deputy Director General of Police, Bihar Military Police, Bihar, Patna.
4. The Inspector General of Police, Military Police, Bihar, Patna.
5. Deputy Inspector General of Police, Armed Police, (Central Division), Bihar, Patna.
6. The Commandant, Bihar Military Police-2, Dihari.
7. The Commandant, Bihar Military Police-4, Dumraon.
8. The Commandant, Bihar Military Police-10, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv
For the Respondent/s : Mr.Prabhat Kumar Verma- Aag3

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-01-2019

The petitioner seeks a direction to the respondent authorities to make payment to him for the period 12.03.2015 to 14.09.2016 i.e. the period during which he remained dismissed and which dismissal was later set aside and the petitioner was reinstated.

2. It appears from the records of the case that by virtue of an order dated 12.09.2016 passed by the respondent No. 2, the dismissal of the petitioner was set aside and he was directed to be reinstated in service after



adjusting the period in between the dismissal from service and the order of reinstatement as extraordinary leave. The non-working period of the petitioner was adjusted as extraordinary leave which provided the benefit to the petitioner to the extent that there was no break in his service, which in fact led to his seniority remaining intact.

3. It is a matter of common knowledge that extraordinary leave is not a leave which is paid for but is only an adjustment of the absence period.

4. For the aforesaid period, the petitioner had admittedly not worked though not at his instance but on the ground of his dismissal.

5. The petitioner, during the period of suspension was granted subsistence allowance.

6. Since the order of setting aside of dismissal and reinstatement did not specify that for the interregnum period he shall be paid, no further direction can be given now. The extraordinary leave period was only for the purposes of granting benefit to the petitioner in order to save his seniority as also his pension.



7. In the aforesaid circumstances, the prayer made on behalf of the petitioner is not tenable and the petition is therefore rejected.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
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