

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18291 of 2019

=====

Haridwar Singh Son of late Baldeo Singh, Resident of Village- Fhatepur, P.S.
Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. D.G. of Police, Bihar, Patna.
3. D.I.G. Shahabad Range, Dehri-On-Son.
4. S.P. Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ebrahim Kabir
		Ms. Shruti Sinha
For the Respondent/s	:	Mr.Md. N.H. Khan (SC-1)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-09-2019 While working as Assistant Sub-Inspector of Police in the Prosecution Cell of the office of the Superintendent of Police, Buxar, the petitioner had made an application before the Deputy Inspector General of Police, Sahabad Range, Dehri-On-Sone, seeking voluntary retirement on the ground of his illness. The request was allowed and accordingly an order No. 146 of 2010 was passed on 15.04.2019, allowing the petitioner to retire voluntarily with effect from 31.05.2019.

2. It is the petitioner's case that after issuance of the said order dated 15.04.2019, the petitioner realized his mistake and considering his family and social obligations, he



filed a petition before the Deputy Inspector General of Police on 24.05.2019, seeking recall of the order, allowing the petitioner to retire voluntarily with effect from 31.05.2019. The Superintendent of Police, Buxar is said to have sent the petitioner's representation to the Deputy Inspector General of Police on 27.05.2019 itself. The petitioner has a grievance that till date no decision has been taken on his petition seeking recall of the order, allowing the petitioner to voluntarily retire with effect from 31.05.2019.

3. Mr. Ebrahim Kabir, learned counsel appearing on behalf of the petitioner has submitted that the petitioner had right to withdraw his request to retire voluntarily before any date prior to which the voluntary retirement was to take effect. He contends that the petitioner's request for voluntary retirement was allowed with effect from 31.05.2019 before which he had applied for withdrawal of his request to retire voluntarily. He contends, thus, that when he made his application on 24.05.2019, recalling his petition to retire voluntarily, jovial relationship between him and his employer was still subsisting.

4. He has relied on Supreme Court's decision in case of **Power Finance Corporation Limited Vs. Pramod**



Kumar Bhatia reported in (1997) 4 SCC 280, in support of this application. Reliance has also been made on a subsequent Supreme Court's decision in case of **Nand Keshwar Prasad Vs. Indian Farmers Fertilizers** reported in (1998) 5 SCC 460 to contend that withdrawal of request of voluntary retirement is permissible, request having been made before expiry of the date from which the voluntary retirement was to take effect.

5. The matter is still pending before the Deputy Inspector General of Police as learned counsel for the petitioner has submitted.

6. Considering the facts and circumstances of the case, instead of asking the respondent to file counter affidavit, I consider it appropriate to direct the Deputy Inspector General of Police to take a decision on the petitioner's representation for withdrawal of his request for voluntary retirement within one month from the date of receipt/production of a copy of this order, in the light of the Supreme Court's decisions noted above.

7. The petitioner shall be at liberty to seek an audience of the Deputy Inspector General of Police and submit the documents/Supreme Court's decisions noted



above, in support of his plea.

8. This application is disposed of accordingly.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

