

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21475 of 2019

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Diwan Shamsher Khan Son of Late Diwan Abdul Majid Khan Resident of
Village- Biur, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General cum Inspector General of Police Bihar, Patna.
3. The Deputy Inspector General of Police Military Police, Central Range, Patna.
4. The Commandant B.M.P. 16, Phulwarisharif, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan
For the Respondent/s : Mr. Md. Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-12-2019 Heard both sides.

The petitioner has filed this writ petition for a direction to the respondents to grant retiral benefits of the petitioner as per law after considering the fact that other persons, who were also dismissed from service after departmental proceeding initiated against them for negligence on their part in discharging their duty, have already been taken back in service by the respondents- authorities but the case of petitioner was not considered although the case of petitioner stands on same footing as of others. The petitioner further seeks direction to the respondents- authorities to cancel the dismissal order passed against the petitioner as done in the case of



similarly situated other persons and provide the petitioner all retiral benefits for which the petitioner is legally entitled to and quash the memo No. 127/353427/L-1 dated 09.02.2018 (Annexure-9) by which the case of the petitioner has not been considered.

Admittedly, the petitioner was posted as Constable on 13.03.2000 when Naxalites (Mawobadi) attacked the camp, injured the police personnel and also looted the arms and ammunitions from the camp in which the petitioner and other Constables were posted. The petitioner was departmentally proceeded and he was dismissed from service. The petitioner filed CWJC No. 11152 of 2001 which was disposed of with certain directions on 09.11.2004. The petitioner thereafter filed memorial before the appropriate authority but the same was also dismissed on 12.07.2005. The petitioner thereafter filed CWJC No. 13659 of 2005 challenging his order of dismissal which was also dismissed vide order dated 10.04.2007. The petitioner being aggrieved by the order of learned Single Judge dated 10.04.2007 passed in CWJC No. 13659 of 2005 filed L.P.A. No. 500 of 2008 which was also dismissed on 10.07.2008. The petitioner again filed CWJC No. 16451 of 2012 for direction to the respondent to reinstate him in service by extending the benefits



which has been given to others but the writ petition was dismissed by order dated 16451 of 2012. Again the petitioner filed representation for reconsideration of his case taking into account the case of other persons and the authority after considering the case of the petitioner rejected the representation vide order dated 09.02.2018 (Annexure-9) which is impugned in this writ petition.

Since the petitioner preferred writ petition and L.P.A. against the order of his dismissal and thereafter again filed writ petition vide CWJC No. 16451 of 2012 for considering the case of the petitioner at par with other persons but the same was also dismissed and the petitioner time and again challenged the same dispute even though his case for dismissal from service has already been affirmed by the Division Bench of this court, I do not find any reason to interfere with the impugned order. This writ petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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