

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8408 of 2020

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Sanjay Kumar Son of Sri Ramswarup Prasad, Resident of Flat No. - 102/A,
Prince Apartment, Ashiyana Nagar, Magistrate Colony, P.S.- Rajiv Nagar,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police (Headquarter), Bihar, Patna.
4. The Inspector General of Police, (Headquarter), Bihar, Patna.
5. The Inspector General of Police, ATS, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Vinay Ranjan, Advocate
For the Respondent/s : N O N E

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 26-11-2020 This case has been filed with prior permission through Electronic Mode on account of limited Court functioning due to COVID 19 Pandemic. The same has been placed for consideration before this Court and is, accordingly, being taken up through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this Virtual Court Proceedings with the aid of Audio Visual Technology.

Heard learned counsel for the petitioner. None is appearing on behalf of the Respondent-State.



The petitioner was earlier visited with a punishment order in a proceeding instituted by the Bihar State Human Rights Commission. The same led to a punishment order which was the subject matter of proceedings arising out of CWJC No 16601 of 2016. The Writ Court found the order of punishment to be legally unsustainable on various counts. The punishment was, accordingly, quashed and petitioner was directed to be reinstated as a Sub Inspector in the Bihar Police with all consequential benefits.

Learned counsel for the petitioner submits that only after resort to contempt proceedings, the admissible dues were paid to the petitioner, except promotion to the post of Inspector. It is his submission that by effect of the order of punishment, which was subsequently quashed, he was not promoted, though others similarly situated and also junior to the petitioner, have been promoted as Inspector.

The pleadings make it clear that since the punishment has been set aside, the claim of the petitioner was required to be considered but the same is still pending as per Annexure 6 before the Director General of Police (for brevity, *DGP*), Bihar, Patna.

Since the issue is yet to be considered by the DGP,



there is no adjudication called for in the instant proceedings.
Keeping the same pending would serve no useful purpose.

This Court would like to believe that the DGP (Respondent No 2) would promptly consider the pending claim of the petitioner and pass appropriate orders, making available consequential benefits found due. The entire exercise is required to be completed by Respondent No 2 within eight weeks from the date of receipt/production of a copy of this order.

Writ petition stands disposed of.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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