

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4341 of 2021

Amrita Devi Wife of Late Tej Narayan Rai, Resident of Village-Diyaman,
Barka Diya, P.S.-Krishna Braham, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General (Headquarter), Head office, Bihar, Patna.
4. The Inspector General of Police, Central Region, Bihar Patna.
5. The Superintendent of Police, Bihar Sharif at Nalanda.
6. The Deputy Superintendent of Police, Police Line, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 24-11-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:

“(i) For quashing the memo no. 6528 dated 28.11.2020 issued under the signature of the respondent Superintendent of Police, Nalanda whereby and whereunder Nalanda District order No. 2257/2020 passed in Departmental Proceeding No. 44/2020 against the husband of petitioner by respondent Inspector General of Police, Central Region, Patna (respondent no. 4) whereby services of the husband of the petitioner who was posted as S.I. at Nagarnausa police station has been dismissed from service by holding that the explanation



submitted by husband of petitioner is not satisfactory.

(ii) For directing the respondent authorities to pay all the retiral benefits of the husband of the petitioner to the petitioner accrued to the husband of petitioner due to prolong service in the Bihar Police on different designation and order of dismissal as contained in Annexure-1 communicated to the son of petitioner when he went to bring the household article of husband of petitioner who died on 30.11.2020 and after completion of last ceremony approximately after a fortnight said order was handed over to the son of the petitioner and as such the same is ante-dated and not served to the deceased delinquent employee (husband of petitioner) and as such the same is not binding.

(iii) For issuance of any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”

3. Short question for consideration in the present petition is whether order of dismissal dated 28.11.2020 was communicated to the deceased late Tej Narain Roy before 30th November, 2020, the date on which he died.

4. Learned counsel for the State, on instruction, fairly submitted that order of dismissal dated 28.11.2020 was not communicated to the deceased-employee while he was alive, in the result proceedings initiated against the deceased-employee stands abated. The impugned order dated 28.11.2020 challenged



by the legal heirs of the deceased-employee is set aside.

5. The petitioner is legal heirs of the deceased-employee is entitled to monetary benefits from the department. The same shall be examined by the concerned authority and it shall be disbursed to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the instant writ petition stands allowed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.11.2021
Transmission Date	

