

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5490 of 2020

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Ram Chandra Chauhan Son of Late Ram Briksh Chauhan, Resident of Village
Nawgarh P.S.- Bishrampur District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Deputy Inspector General of Police, Shahabad Range, Dehri-on-Sone, Rohtas.
5. The Superintendent of Police, Rohtas at Sasaram.
6. The Superintendent of Police, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Manish Kumar, GP 4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 07-12-2021

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for
following relief/reliefs:

“Petitioner has filed the present Writ application for issuance of a Writ in the nature of mandamus commanding and directing upon the respondent concerned to consider the claim of the petitioner for grant of third A.C.P which is due since September 2016 and petitioner has ultimately retired from service from the post of A.S.I. of Police under District of Rohtas (Bihar) but his claim for grant of third A.C.P. has never been considered in pretext of punishment order of one Black Mark of Six months Vide District Order No. 644 of 2017 bearing Memo No. 1618 dated 30/4/17 issued under the signature of respondent S.P. Sitamarhi however the said punishment is with regard to allegation alleged on 17/10/16



which has come after due date of third A.C.P. of the petitioner and the same cannot be the basis for non consideration of valid claim of the petitioner as also for grant of consequential monetary benefit accrued out of grant of third A.C.P to the petitioner. And any other order or orders as Your Lordships may deem fit and proper.”

Petitioner was subjected to disciplinary proceedings and concluded in imposition of penalty withholding of increments for a period of six months and it would be in vogue up to 30th October, 2017. Even though petitioner is eligible to A.C.P. in the month of November, 2016 due to pendency of inquiry, he was not extended the benefit. He has attained age of superannuation and retired from service in the month of February 2019. In the light of these facts and circumstances, the concerned authority is hereby directed to re-examine the petitioner’s grievance relating to entitlement of A.C.P. in the light of punishment dated 30th April, 2017 which is invoked for a period of six months and he has attained age of superannuation and retired from service in the month of February, 2019. Such examination shall be conducted within a period of two months from the date of receipt of this order.

If the petitioner is otherwise eligible for A.C.P. which is due, the petitioner shall be extended with monetary benefits. If he is not eligible, in that event, necessary speaking order shall be passed as to why petitioner is not eligible for A.C.P.



With the above observations writ petitions stands
disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2021
Transmission Date	NA

