

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21117 of 2013

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Sidhnath Sharma, Son of Late Bhuvneshwar Sharma, Resident of Village-
Noawan, Police Station- Sakurabad in the District of Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General and Inspector General of Police, Bihar, Patna
3. The Inspector General, Bhagalpur Zone, Bhagalpur
4. The Deputy Inspector General of Police, Munger
5. The Superintendent of Police, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate
For the Respondent/s : Mr.Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-10-2021 Heard learned counsel for the parties.

2. The petitioner has put to challenge an office order issued by the Superintendent of Police, Begusarai vide Memo No. 2601 dated 15.06.1990, whereby he has been dismissed from service from the post of Constable with effect from 24.07.1987.

3. Learned counsel appearing on behalf of the petitioner has submitted that the impugned order has been passed without due compliance of the principles of natural justice.

4. This writ application has been filed nearly 23 years



after passing of the impugned order. The Court does not find any justifiable reason to entertain this application 23 years after passing of the impugned order.

5. Be that as it may, in Court's opinion, an order of dismissal cannot have retrospective effect. Accordingly, the impugned order is directed to be modified to be operative from the date when the order was passed and communicated to the petitioner.

6. Learned counsel for the petitioner has submitted that the petitioner has not been paid his General Provident Fund amount and other entitlements which ought to have been paid after passing of the order of dismissal.

7. This application is disposed of, in view of the aforesaid submission and observation made by this Court that the petitioner shall be at liberty to approach the Superintendent of Police, Begusarai by making a representation seeking payment of such dues which he is legally entitled to receive. The Superintendent of Police shall consider the petitioner's representation and ensure that all admitted dues are paid to him within three months from the date of receipt/ production of a copy of this order. While computing the petitioner's entitlements, the Superintendent of Police shall keep in mind the



fact that by virtue of the present order the petitioner's order of dismissal is made effective from the date when the same was passed and not from a retrospective date.

(Chakradhari Sharan Singh, J)

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