

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13826 of 2016

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Upendra Kumar Yadav Son of Dhaneshwar Prasad, resident of Village-Kharhantar, Police Station- Simari in the district- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General and Inspector General of Police, Patna, Bihar.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Deputy Inspector General of Police, Shahabad Range at Dehri-on- Sone.
5. The Superintendent of Police, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Md.Nashrul Hoda Khan-Sc1

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

Heard learned counsel for the parties.

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

- i. To quash the order contained in Memo No. 612 dated 9.5.2016 issued under the signature of Respondent No. 4 by which the appeal filed on behalf of the petitioner, against the order contained in Memo No. 213 dated 13.1.2016 passed by the respondent No. 5 by which the service of the petitioner has been dismissed from service, has been rejected.
- ii. Also to quash the order contained in Memo no. 213 dated 13.1.2016 passed by the Superintendent of Police, Buxar by which the petitioner has been dismissed from service in most illegal and arbitrary manner.
- iii. Also to direct the respondents to reinstate the service of the petitioner with all consequential benefits.
- iv. Also for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”



The petitioner services were confirmed on 30th July, 2011. In respect of alleged charge levelled against the petitioner, it was not enquired into on the sole ground that it is a subject matter of a police case. Based on such report by the Enquiring Officer, disciplinary authority proceeds to dismiss the petitioner from service. In the absence of finding on the charges levelled against the petitioner and they were proved, the disciplinary authority cannot impose the penalty.

In the light of these facts and circumstances, impugned orders dated 13.01.2016 and 09.05.2016 are set aside. Writ petition is allowed.

The disciplinary authority is hereby directed to continue the disciplinary proceedings from the defective stage and complete proceedings within a period of three months from the date of receipt of this order. In the meanwhile, the petitioner is entitled to all monetary benefits and the same shall be extended within the aforesaid time limit.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2021
Transmission Date	NA

