

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3293 of 2021

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Anamika Kumari D/o Sri Anil Kumar Singh, W/o Late Pappu Kumar R/v-
K.P. Sarkar Road, Mithapur, B-Area, P.S.- Jakkanpur, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Purnea.
4. The Deputy Inspector General of Police, Purnea.
5. The Superintendent of Police, Katihar.
6. The Station House Officer of Town (Sahayak) Police Station, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Respondent/s : Mr. M.N.H. Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 28-04-2022

Heard learned counsel for the respective parties.

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

*“That this writ application has been
filed on behalf of the petitioner for issuance
of an appropriate writ/writs/order/orders
commanding/directing the respondents to
appoint the petitioner on compassionate
ground in Police Department on the post of
her husband Pappu Kumar (decease)
working as a constable no.- 144 in Katihar
whose death was cause on 14.07.2019 after*



quashing the dismissal letter of the dielinquent Pappu Kumar (deceased) issued vide letter no.- 1644 dated 31.05.2020 passed by the Superintendent of Police Katihar (the Annexure-9) of the Petition.”

On 13.04.2022, the following order was passed:

“Heard learned counsel for the parties.

Prima facie the impugned dismissal order dated 31.05.2020 is against dead person.

The Superintendent of Police, Katihar is hereby directed to give a positive instruction to the learned counsel for the State as to whether he can impose any of the penalty against dead person or not?

Re-list this case on 19.04.2022.”

Today, learned counsel for the State, on instruction, from the office of the Superintendent of Police, Katihar submitted that he has no authority to impose any of the penalty against a dead person, such instruction is given to learned counsel for the State Mr. M.N.H. Khan is taken on record.

In the light of the aforesaid submission and the fact that the Superintendent of Police, Katihar is not entitled to pass any order against a dead person.



Accordingly, impugned order dated 31.05.2020 stands set aside.

The Superintendent of Police, Katihar or the competent authority is hereby directed to settle monetary benefits which was due to the deceased employee to his legal heirs within a period of three months from the date of receipt of this order.

With the above observation, the present petition stands allowed.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2022
Transmission Date	NA

