

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13948 of 2021

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Pramod Kumar Yadav, Son of Kusheshwar Prasad, Resident of Village and
P.O. - Bhalar, P.S. - Dharhara, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Director General of Police, Bihar, Patna.
3. The D.I.G. of Police, Military Police, now known as Bihar Special Armed Police, Central Zone, Patna.
4. The Commandant, B.M.P.-2, now known as Bihar Special Armed Police -2, Dehri, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Advocate
For the Respondent/s : Mr.Dhurendra Kumar, AC to GP5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-11-2022 On a finding that the petitioner during his service from 1991 till 31.01.2008 has been declared as a deserter on five occasions and granted four major as well as five minor punishments. The Director General of Police (D.G.P. for brevity) has rejected the petitioner's mercy appeal by order dated 24.05.2021.

The fact is being noticed in view of the nature of submission advanced on behalf of learned counsel for the petitioner. He has drawn attention of the Court towards paragraphs VII, VIII and IX of his mercy appeal, which reads as follows:-



“VII. 17 साल सेवा पूर्ण करने के उपरान्त मुझे सेवा बर्खास्तगी जैसे कठोरतम सजा दी गयी है, जिसके कारन मैं सेवा निवृत्त लाभ भी नहीं पा सकता हूँ। सेवा बर्खास्तगी की सजा कठोर एवं disproportionate to the offence है।

VIII. मेरे विरुद्ध मुख्य आरोप 38 दिन अनुपस्थिति का है। ऐसे भी मेरे विरुद्ध आरोप moral turpitude से सम्बंधित नहीं है, अतः सेवा बर्खास्तगी की सजा कठोर एवं पुलिस हस्तक नियम-826 के प्रतिकूल है।

IX. मैं महादरिद्र हूँ। मैं पूर्णतया नौकरी पर ही आधारित था। सेवा बर्खास्तगी की सजा के कारण मैं तथा मेरा पूरा परिवार भुखमरी की शिकार हो गया है। मैं दया तथा सहानुभूति का पात्र हूँ।”

It is submitted that while rejecting his mercy appeal the D.G.P. has not dealt with the said claim of the petitioner.

In view of the limited submission, without expressing any opinion on the merits of the petitioner's claim, the Court would direct the Respondent No.2 to pass a reasoned and speaking order on the above noted claim of the petitioner. While passing a speaking order, earlier order dated 24.05.2021 shall



not stand in the way. Final order must be passed within three months from the date of receipt/production of a copy of this order.

Writ application is disposed of.

(Madhuresh Prasad, J)

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