

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10965 of 2019

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Sri Ram Choubey, aged about 62 years, male, Son of Late Ram Nagina Choubey R/o Village- Pandey Patti, Buxar, P.S.-Buxar (Mufassil), District-Buxar

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Home (Police), Bihar, Patna
2. The Director General of Police (D.G.P.) Police Department, Old Secretariat, Bihar, Patna
3. The Inspector General (I.G.) Patna
4. The Deputy Inspector General (D.I.G.) General Rail Police (G.R.P.), Pant Bhawan, Patna
5. The Superintendent of Police, General Rail Police (G.R.P.), Patna

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjay Singh, Sr. Adv. With Mr. Nirbhay Prashant, Advocate
For the State	:	Mr. Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 22-11-2022 Heard learned senior counsel for the petitioner and
learned counsel for the State.

2. The petitioner's dismissal has attained finality in terms of the order dated 17-08-2001, passed by the Division Bench in LPA No 750 of 2001. The operative portion of the order reads as follows:-

“Learned counsel for the appellant firstly submitted that the punishment of dismissal from service awarded to him is disproportionate to the guilt alleged to have been committed by him.

The said point urged on behalf of the



appellant has to be noticed only. The appellant being a member of the disciplinary force was deputed to safeguard and protect the interest of the passengers and if he himself started looting them in the train then this is a serious matter and any leniency in the matter of punishment will amount to rewarding him for his misconduct.

Thus, we find that none of the points urged on behalf of the appellant has appealed us and, accordingly, this appeal is dismissed.”

3. The instant writ petition has been filed 18 years after the orders passed on the petitioner's LPA and 7 years after one order was passed in the case of another with whom the petitioner is claiming parity. The claim of the petitioner is barred by delay and laches in view of the dates taken note of above.

4. Learned senior counsel has submitted that in the case of the other persons similarly situated, namely, Ram Naresh Pandey, the order of dismissal was toned down to be an order of compulsory retirement and his legal heirs were paid some dues, as a result of the humanitarian view, taken by the Authorities and the petitioner should also be extended the same consideration. The order dated 12-12-2011, as contained in Annexure-9 to the writ petition, being relied upon by learned



senior counsel, however, does not show that any order of dismissal has been converted to be an order of compulsory retirement. On this score also, no case is made out by the petitioner.

5. Writ application is, accordingly, dismissed.

(Madhuresh Prasad, J)

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