

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2563 of 2020

Praduman Tiwari, Son of Shri Kedar Nath Tiwari, Resident of Dudhpura, P.S.
Mufassil, District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Superintendent of Police, Vigilance Investigation Bureau, Patna.
3. The Superintendent of Police, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.
For the Respondent/s : Mr. Ajay Kumar AC to GP4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner was serving as Sub Inspector of Police in the Vigilance Investigation Bureau and was transferred to the Supaul Police Force. He has not joined there from the date of his relieving i.e., on 01-01-2014 to 11-04-2018. He, however, submits that he has been sending joining letter at Supaul, during this more than four years period. It is not his case that he has physically joined during this period.

3. The circumstances have been considered by the Authorities who have considered 1545 days, as being a period, during which, he cannot be paid any remuneration on the principle of 'no work no pay'.



4. The learned counsel for the petitioner has placed reliance on Rule 232 of the Bihar Service Code. The said provision is relied upon though there is no application for availing benefit under the said provision before any authority, during the period of absence nor is there any medical ground raised by him during the more than four years period that he has refused to join the Supaul district Police force, pursuant to the transfer order.

5. The totality of the circumstances, noted above, has also to be viewed keeping in background the fact that the petitioner is a member of a uniform service requiring a higher degree of discipline and devotion towards duty, then otherwise. The order dated 14.06.2019 passed by the Superintendent of Police, Supaul (Respondent no.3) as contained in Annexure-5 to the writ petition, therefore, does not suffer from any infirmity in the opinion of this Court.

6. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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