

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5139 of 2023

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Sarvjeet Shukla, Son of Late Srikrishna Shukla, Resident of New Mainpura,
Balaji Nagar, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Department of Home, Old Secretariat, Patna.
2. The Deputy Inspector General of Shahabad Range, Rohtas.
3. The Superintendent of Police, Ara, Bhojpur.
4. The Accountant General, Bihar.
5. The Sr. Account Officer Office of Accountant General, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mithilesh Kumar Rai, Advocate
For the AG(Bihar)	:	Mr.Ram Kinkar Choubey, Advocate
For the Respondent/s	:	Mr.Sheo Shankar Prasad (SC 8)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 01-08-2023

Heard Mr. Mithilesh Kumari Rai, learned counsel
appearing on behalf of the petitioner, Mr. Ram Kinkar Choubey,
learned counsel for the Accountant General (Bihar) and Mr. Sheo
Shankar Prasad, learned SC 8 for the State.

2. Learned counsel appearing on behalf of the petitioner
submits that a direction contained in letter no. 592 dated
14.03.2022 was issued by the Superintendent of Police, Bhojpur at
Ara directing the Treasury Officer, Patna to deduct an amount of
Rs.2,27,130/- from the pensionary benefit of the petitioner,
therefore, the petitioner is aggrieved by an *ex pare* order passed
by the Superintendent of Police, Bhojpur at Ara, who has taken



penal action against the petitioner without giving reasons for the same.

3. Considering the records attached with the writ petition as well as letter no.592 dated 14.03.2022, this Court finds that the Superintendent of Police, Bhojpur at Ara without following principle of natural justice and giving reason directed the Treasury Officer, Patna to deduct an amount of Rs.2,27,130/- from the pensionary benefit of the petitioner. The order as contained in Annexure '1' (letter no.592 dated 13.03.2022 issued by the Superintendent of Police, Ara) is quashed. The Deputy Inspector General of Police, Shahabad Range (respondent no.2) is directed to call upon the records relating to the petitioner from the office of the S.P., Ara and take necessary action to make payment of retiral dues to the petitioner.

4. In case any amount is required to be deducted, the petitioner must be given prior notice so that he may file his explanation in his defence.

5. This Court deprecates the unilateral action of the Superintendent of Police, Ara taken against the petitioner.

6. The Deputy Inspector General of Police Shahabad Range must see that the Officers under his jurisdiction at least take action against his subordinates in legal manner.



7. The present writ petition is disposed of with a direction to the Deputy Inspector General of Shahabad Range to look into the case of the petitioner and pass appropriate order with respect to payment of all the retiral dues payable to the petitioner in accordance with law within a period of six weeks. If the petitioner is required to hear, prior notice must be given to him not beyond a period of one week from the date of passing of this order.

8. There will be no order as to costs.

(Purnendu Singh, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.08.2023
Transmission Date	

