

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1597 of 2019

In
Letters Patent Appeal No.1392 of 2013

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Kaushal Kishore Thakur S/o Late Bindeshwar Thakur Resident of Village-
Bathaur, P.O. Mahisantha, P.S. Nanpur, Distt. Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar namely Sri Dipak Kumar, name of father not known to the petitioner
2. The Director General of Police Bihar, Patna namely Sri Gupteshwar Pandey, name of father not known to the petitioner
3. The I. G. of Police Muzaffarpur Zone, Muzaffarpur, namely Sri Nayar Hasnain Khan, name of father not known to the petitioner
4. The D. I. G. Saran at Chapra, namely Vijay Kumar Verma, name of father not known to the petitioner
5. The Superintendent of Police Siwan, namely Sri Navin Chandra Jha, name of father not known to the petitioner

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Mishra, Advocate
For the Opposite Party/s : Mr. Prabhat Kumar Verma, AAG 3
Mr. Saroj Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 11-07-2023 Pursuant to our earlier order dated 27.06.2023, *Mr. Shailesh Kumar Sinha*, Superintendent of Police, Siwan is present in the Court.

2. On 14.03.2018 notice was issued along with copy of the inquiring officer's report to the petitioner and thereafter, number of reminders were stated to have been issued for which



the petitioner has failed to submit his reply which has resulted in passing final order in departmental inquiry in dismissing the petitioner from service on 31.08.2020.

3. If the order of dismissal dated 31.08.2020 is given effect from 30.03.2000, the date on which petitioner was earlier dismissed from service, such proceedings is unknown to the service jurisprudence. In other words, an employee cannot be dismissed from service retrospectively, therefore, the official respondent – Superintendent of Police is hereby directed to treat the intervening period from 30.03.2000 to 31.08.2020 as suspension and calculate subsistence allowance during the intervening period and if he is entitled to enhanced subsistence allowance, the same shall be taken note of with reference to relevant Rules and calculate the same and disburse in favour of the petitioner within a period of one week from today.

4. The petitioner is at liberty to question the validity of dismissal order dated 31.08.2020 in accordance with law. If the order of dismissal is not communicated to the petitioner as on today, the same shall be communicated within a period of one week from today.

5. With the above observation, present M.J.C./contempt proceedings stands dropped reserving liberty



to the petitioner to file interlocutory application/M.J.C. to revive this order in the event of non-regulating the suspension period and also non-communication of dismissal order as observed above.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

GAURAV S./-

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