

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13744 of 2021

1. Devendra Prasad Singh Son of Late Banaras Singh Retired from the post of Inspector (Arms) form the Office of Training Division, Director General of Police (Training) Patel Bhawan, Baily Road, Patna.
2. Roop Ranjan Hargare Son of Dig Vijay Singh Presently posted as Deputy Superintendent of Police in the Office of Director General of Police, (Training) Training Division, Patel Bhawan, Baily Road, Patna.
3. Sanjay Kumar Jha Son of Mr. Uday Nand Jha Presently posted as Police Inspector under Training Division in the Office of Directorate General of Police (Training), Patel Bhawan, Baily Road, Patna.
4. Narendra Sharma Son of Sri Ram Janam Sharma Presently posted as Police Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
5. Nirmal Kumar Tiwari Son of Sri Birendra Tiwari Presently posted as Police Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
6. Yatindra Kumar Singh Son of Sri Ram Kripal Singh Presently posted as Police Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
7. Sanjay Kumar Sinha Son of Late Rajiv Ranjan Prasad Sinha Presently posted as Police Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
8. Pankaj Kumar Son of Sri Kameshwar Giri Presently posted as Police Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
9. Jamalludin Ansari Son of Late Md. Safiq Ansari Presently posted as Havildar under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
10. Krishna Kumar Son of Late Bhuneshwar Prasad Sinha Presently posted as Steno, Sub Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
11. Gupteshwar Chaudhary Son of Late Ram Prasad Choudhary Presently posted as Constable under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.



12. Ram Naresh Prasad Presently posted as Deputy Superintendent of Police under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
13. Priya Ranjan Son of Sri Surendra Narayan Sinha Presently posted under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
14. Ram Dayal Prasad Vidyarthi Son of Sri Anandi Sharma Presently posted as Assistant Sub Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
15. Shailesh Kumar Son of Sri Kailash Prasad Presently posted as Police Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
16. Vijay Kumar Son of Late Nawal Kishore Prasad Singh Presently posted as Police Inspector under Training Division in the Office of D.G. (Training), Patel Bhawan, Baily Road, Patna.
17. Manish Kumar Gupta Son of Sri Prabhu Dayal Gupta Presently posted as A.S.I. Special Branch, Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police (Headquarter), Bihar, Patna.
5. The Director General of Police (Training), Bihar, Patna.
6. The Inspector General of Police (Training), Bihar, Patna.
7. The A.I.G. (Training), Training Division, Bihar, Patna.
8. The Accountant, Training Division, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

2 07-12-2023 The present writ petition has been filed seeking the following reliefs:-

1(i). A writ in the nature of certiorari setting aside the impugned Memo No. 1184 dated 31.07.2020 as contained in Annexure-4 issued under the signature of Respondent No. 5 whereby and whereunder training allowance being paid to all the police officers posted under training Division in the office of D.G. (Training) which is part of Police Headquarter (Training Division) has been ordered to be stopped since month of July 2020 and simultaneously has further been ordered to the Respondent Accountant that amount of training allowance already paid to all the petitioners/police officials will be recovered in easy instalments without asking show cause to the petitioners in complete violation of Principal of Natural Justice.

(ii). For issuance of a writ in the nature of mandamus commanding and directing upon the Respondents concerned not to recover the amount paid to the petitioner's as training allowance which has been paid by the Respondents as per existing decision taken by Respondents itself misrepresentation and suppressive of any material facts on the part of the petitioners and in view of settled proposition of law on this point recovery is not permissible in the eye of law.



(iii). For further direction upon the Respondents concern not to give effect the recovery of training allowance already paid to the petitioners since back long specially in view of Letter No. 5150 dated 24.07.2015 issued from the level of Respondent State and accordingly time to time by way of different orders issued from the level of competent authorities as well as Finance Department of Respondent State and even after issuance of impugned order as contained in Annexure-4; on the basis of representation filed on behalf of the petitioners for reconsideration, the impugned order was not given effect to but without issuing any further order a list has been prepared from the level of Respondent the Accountant mentioning the recoverable amount from the petitioners and orally it is said that from salary of July 2021 necessary recovery will be made as necessary order by the competent authority has been got on official file but till date no specific order in this regard has been issued.”

2. At the outset, the learned counsel for the petitioners seeks a limited direction upon the Additional Chief Secretary, Home Department, Government of Bihar, Patna, to dispose off their representation filed on 8.9.2020, which is annexed as Annexure-5 to the present writ petition.
3. Having regard to the limited prayer made by the learned



counsel for the petitioners, I deem it fit and proper to direct the Additional Chief Secretary, Home Department, Government of Bihar, Patna, to dispose off the aforesaid representation of the petitioners filed on 8.9.2020, by passing a reasoned and a speaking order, within a period of eight weeks of receipt / production of a copy of this order and till then, no recovery shall be made from the petitioners.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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