

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3683 of 2018

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Surendra Kumar Son of late Sarju Prasad, Resident of Village P.O.-Ahirauli,
P.S.-Buxar Industrial Area, District Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Government of Bihar, Old Secretariat, Patna.
3. The Inspector General of Police, Bihar Police Headquarters, Bihar, Patna.
4. The Inspector General of Police Budget/Appeal/Welfare Bihar, Patna.
5. Superintendent of Police, Crime Investigation Department Bihar, Patna.
6. Deputy Inspector General of Police, Saran regionat Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandrashekhar Verma, Advocate
For the Respondent/s : Mr. Sanjay Parasmani, A.C. to G.P.-4.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-09-2023 Heard Mr. Chandrashekhar Verma, learned counsel

for the petitioner and Mr. Sanjay Parasmani, learned A.C. to

G.P.-4.

2. The present petition has been filed for the following
relief :-

“That, this is an application for issuance of an appropriate writ, order or direction for sitting aside the order contained in letter no. 2984/L- 1/43-04-27-2013 dated 07.03.2017 issued by Inspector General Police (Budget/Appeal/Welfare), Bihar, Patna as well as order contained in letter No. 701 dated 15.03.2017 issued by Superintendent of Police (C) crime Investigation Department, Bihar Patna through which Petitioner has been denied payment of his outstanding salary etc. erroneously and illegally for the period of his termination



from the service till date of his reinstatement in the service.”

3. The brief fact of the case is that the petitioner was awarded punishment in which his increments in salary were confiscated for two years. By the order of S.P., Saran at Chapra the departmental proceeding started and the allegation was that he was caught taking bribe of Rs. 1,000/-. The Appeal preferred before the DGP resulted into his dismissal from service. The petitioner moved in C.W.J.C. No.13328 of 2020 which came to be disposed of on 20.06.2016 and the Court found the order passed by the DGP not in accordance with law and set it aside. The concluding part is impoiment and and incorporated hereinbelow :-

“.....The petitioner would be reinstated in service forthwith, prospectively. It is made clear that at the same time, the prospective reinstatement would not, in any way, be considered a break in service for the pensionary benefits.....”.

4. The petitioner was later reinstated in service. He thereafter claimed salary for the period for which he was out of service which was denied by the order of the office of the DGP Bihar, Patna vide Memo No.2984 of 07.03.2017 which followed the letter vide Memo No.701 dated 15.03.2017 by the C.I.D. (Criminal Investigation Department, Bihar (Annexure-7 and 8 to the writ petition).



5. Learned counsel for the petitioner submits that when he was reinstated in service, the respondents are liable to pay the salary. Though he concede that the other benefits have been extended, salary has not been paid.

6. The learned counsel for the State on the other hand submits that the order of the Court was very clear. The reinstatement was prospective, as such the petitioner is not entitled for the salary. His service will be considered in continuity.

7. This Court finds force in the submission of learned counsel for the State. A perusal of the order, as incorporated above, shows that the Court had clearly stated that he has to be reinstated prospectively. In that background, the claim that he has not been paid salary for the period he was out of service is unfounded.

8. The order, in question, do not need any interference.

9. Accordingly, this writ petition is dismissed.

(Rajiv Roy, J)

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