

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.681 of 2022

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Surendra Prasad, Son of Late Fagu Mahto Resident of Village - Mandachh,
P.s. - Telhara, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Patna Divisional, Patna.
3. The Deputy Inspector General of Police, Patna Division, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Incharge of Bypass Police - Station, Patna.
6. The Accountant General, Bihar Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Shakir Ahmad, Advocate Mr. Pankaj Kumar Singh, Advocate
For the Respondent/s	:	Ms. Nivedita Nirvikar, Sr. Advocate Mr. Manish Kumar, GP-4 Mr. Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 4 09-08-2024 1. The petitioner is a retired employee of Police Department. From 2007 to 2016, he was posted at Bypass Police Station as Sub-Inspector of Police. During his posting at Bypass Police Station, he was Incharge of Malkhana of the said Police Station. Subsequently, by a wireless message, he was transferred to Shahpur Police Station w.e.f. April, 2016. He was directed to deliver his charge to the SHO of Bypass Police Station. However, the SHO, Bypass Police Station refused to take charge of the Malkhana of the said Police Station from him. He repeatedly requested the SHO, Bypass Police Station to take



charge of Malkhana from him but his prayer was turned down. Subsequently, he informed the matter to the Superintendent of Police on 19th of June, 2018. The Superintendent of Police directed the SHO Bypass Police Station by letter, dated 26th of June, 2018 to take charge of Malkhana of the said Police Station from the petitioner. In spite of the said order of the superior Officer, the SHO of Bypass Police Station refused to take charge of the Malkhana. Subsequently, the petitioner submitted his representation, dated 24th of August, 2018, informing the entire fact to the Senior Superintendent of Police, Patna. The Senior Superintendent of Police, Patna *vide* his letter dated 30th of August, 2018, again requested the SHO, Bypass to take charge of Malkhana from the petitioner. The said order was also flouted by the SHO, Bypass Police Station.

2. I have heard the learned Advocate appearing on behalf of the petitioner as well as the State Respondents.

3. The Police Department consists of disciplined force. It is the duty of every police personnel to obey and comply with the order of his superior officer.

4. It is submitted by the learned Advocate for the petitioner that in the meantime, the petitioner retired from service w.e.f. 30th of September, 2018 on superannuation. As he



could not deliver the charge of Malkhana of Bypass Police Station to the SHO, Bypass Police Station as per the direction of the Superintendent of Police and the Senior Superintendent of Police, he is not getting full pensionary benefit.

5. It is submitted by the learned Advocate for the petitioner that since March, 2024, his pension has altogether been stopped.

6. Having heard the learned counsel for the petitioner and the State, this appears that for no fault of the petitioner, he is suffering and not getting the pension.

7. The instant writ petition is disposed of directing the Respondent Nos. 3 and 4 to take appropriate action against the SHO of Bypass Police Station so that he comply with the order dated 26th of June, 2018 and 30th of August, 2018 within 15 days from the date of receipt/communication of this order.

8. Respondents are further directed to release pension and all other consequential benefits to the petitioner on his delivery of charge of Malkhana of Bypass Police Station to the SHO Bypass Police Station within the stipulated period.

9. The Respondents are also directed to consider, if any, departmental step should be taken against the then SHO of Bypass Police Station for violation of the order of the superior



officer dated 26th of June, 2018 and 30th of August, 2018.

10. With the aforesaid direction, the instant petition
sands disposed of, on contest, however, without cost.

(Bibek Chaudhuri, J)

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