

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4574 of 2020

Shiv Shankar Prasad Singh, son of Late Shiv Balak Singh, resident of village Khetalpura, P.S. Sarey, District Nalanda presently posted as Assistant Sub Inspector, Crime Control Department.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Director General of Police (Head Quarter) Bihar, Patna.
2. The Director General of Police (Head Quarter), Bihar, Patna.
3. The Additional Director General of Police, Crime Investigation Department, Bihar Patna.
4. The Superintendent of Police (C), Crime Investigation Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh, Adv.
For the Respondent/s : Mr.Manish Kumar (GP4)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for granting promotion to the petitioner to the post of Sub-Inspector from the post of A.S.I. and also to give the consequential benefits as well as to give benefits of 3rd ACP/MACP in accordance with law.

3. Counsel for the respondents submits that though counter-affidavit has not been filed, but from Annexure 7 of the writ petition itself, it is clear that a departmental proceeding, namely, Nalanda District Departmental Proceeding No.1171 of 1994 is pending. By virtue of Nalanda Departmental Proceeding



is pending against the petitioner and due to pendency of trial, it was stopped awaiting the conclusion of trial of F.I.R. in which matter is pending under sections 324 and 307 of the I.P.C. read with Section 27 of the Arms Act.

4. Counsel for the petitioner further submits that by the statement made by the petitioner himself in paragraph 11 of the writ petition that the said criminal case in connection with Barbigha P.S. Case No.218 of 1990 lodged under sections 324 and 307 of the I.P.C. read with Section 27 of the Arms Act has been convicted, but the departmental proceeding initiated against the petitioner, is still pending and due to this reason, the petitioner is not entitled for any relief as prayed in the writ petition.

5. In this background, this Court finds that in the name of pendency of the Barbigha P.S. Case No.218 of 1990, the departmental proceeding was kept pending. Now, the said departmental proceeding has been ended into conviction, therefore, the restrain order in the name of pendency, is of no use, and therefore, the Superintendent of Police, Nalanda is directed to conclude the departmental proceeding bearing Departmental Proceeding No.1171 of 1994 to its logical end within 3 months from the date of production of the order and



after deciding the same, the petitioner shall be at liberty to raise his claim before the authority concerned which he has raised in the writ petition.

6. With the aforesaid direction, the present writ application is hereby disposed off.

(Dr. Anshuman, J.)

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