

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13881 of 2013

- 1.1. Lalita Singh W/o Late Yashwant Kumar Singh Resident of Village- Maldiha, P.S.- Barahara, Kothi, Dist- Purnea.
- 1.2. Rajeev Ranjan Singh Son of Late Yashwant Kumar Singh Resident of Village- Maldiha, P.S.- Barahara, Kothi, Dist- Purnea.
- 1.3. Ravi Raj Son of Late Yashwant Kumar Singh Resident of Village- Maldiha, P.S.- Barahara, Kothi, Dist- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of General Administration Department, Government of Bihar, Patna.
2. The Director General Of Police, Bihar, Patna
3. The Deputy Inspector General Of Police, Purnea Range, Purnea
4. The Superintendent Of Police, Katihar
5. The Conducting Officer Cum-Inspector Of Police Kodha Circle, District- Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Anju Narain, Advocate Mr. Pratik Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 06-12-2024

In the instant petition, petitioners have prayed for the following relief(s):-

"(i) For quashing the memo no. 2251 dated 10.06.11 (Annexure-1) issued by the Superintendent of Police, Katihar (Respondent No. 2) whereby and whereunder petitioner has been removed from the post of constable.

(ii) For further quashing of memo no. 110 dated 27.1.12 (Annexure-14) issued by the Deputy Inspector General of Police



Purnea Range Purnea (Respondent No. 3) whereby and whereunder Appeal preferred by the petitioner against the order of the Superintendent of Police, Katihar (Annexure-16) has been rejected.

(iii) For quashing the memo no. 4835 dated 12.11.12 issued by the Director General of Police (Respondent No. 02) whereby and whereunder Revision against the Appellate order (Annexure-16) preferred by the petitioner has been rejected.

(iv) For appropriate direction to the respondent for reinstating the petitioner on the post of Constable w.e.f. 10.06.2011 will all consequence benefit as per the Bihar Service Code.

(v) For appropriate direction for payment of the arrear of salary for period 8 March 2001 to 8 April 2001, 6th June 2004, to 24th August 2004, 10th August, 2008 to 21 September, 2008 and 10 December, 2010 to 10th June, 2011 till date.

(v) And any other Relief(s) as Your Lordships may deem fit and proper."

2. On 29.11.2024, the matter was heard for some time and the following order was passed:-

"The Superintendent of Police, Katihar is hereby directed to file his personal affidavit as to whether disciplinary proceedings have been initiated against the petitioner under which provision of law. Further, he has to state in his affidavit whether presenting officer need not be appointed in respect of disciplinary proceedings against police officials or not? On these two issues, affidavit shall be filed before the next date of hearing.



2. *Re-list this matter on 06.12.2024."*

3. Today, learned counsel for the State-respondent has filed personal affidavit on behalf of the fourth respondent-Superintendent of Police, Katihar in which he has admitted that the presenting officer has not been appointed to present the case on behalf of the department against the petitioner in a departmental inquiry.

4. Today, in identical matter in the case of **Hemanti Devi & Ors. vs. The State of Bihar & Ors. (CWJC No. 20663 of 2012)** in which this Court has taken note of earlier decision of learned Single Judge, Division Bench and Hon'ble Supreme Court on the very same point. Therefore, the petitioner has made out a case. Accordingly, the impugned orders dated 10.06.2011 , 27.01.2012 and 12.11.2012 (Annexure-12, 14 and 16) are set aside.

5. The concerned respondent is hereby directed to extend all monetary benefits which was due to the deceased employee-Yashwant Kumar Singh from the date of imposition of penalty till his date of retirement. Further, legal heirs are entitled to all monetary benefits which were due to the deceased employee-Yashwant Kumar Singh and so also if the legal heirs are entitled



for family pension, the same shall be calculated and disburse. The above exercise shall be completed within a period of four months, failing which the petitioners are entitled to litigation cost and it is quantified @ Rs. 25,000/-

5. With the above observations, the present writ petition stands allowed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

