

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12698 of 2012

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Shiva Kant Singh Son Of Late Sitaram Singh Presently Working As Constable
179 Munger District Police At Police Line Munger, District Munger Resident
Of Village Murlichandwa, Post Murlichandwa, Police Station Udakishunganj,
District Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary-Cum-Home Commissioner, Department Of Home,
Govt. Of Bihar, Patna
3. The Director General Of Police, Bihar, Patna
4. The Inspector General Of Police, Patna Region, Patna
5. The Deputy Inspector General Of Police, Patna Central Region, Patna
6. The Deputy Inspector General Of Police, Magadh Region, Gaya
7. The Senior Superintendent Of Police, Patna
8. Searjant Major 1st, Patna Police, Patna
9. The Accountant, Police Office, Patna
10. The Incharge Security Section, New Police Line, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Md. N. Hoda Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 23-01-2024

Heard learned counsel appearing for the petitioner and
learned counsel appearing for the State.

2. The present writ application has been filed for
quashing the order dated 12.06.2009 passed by the respondent
No.7 whereby the working period of the petitioner from
27.10.2008 to 24.03.2009 (total 151 days) has been declared as
extra-ordinary leave and therefore his salary has been seized.



3. Learned counsel for the petitioner submits that the petitioner was working as Constable (Constable No.3259) in Patna District Police and he has deputed as a Bodyguard of Sri Ram Babu, owner of the Pal Hotal, Budh Marg, Patna vide order No.688652 dated 18.04.2008. Learned counsel for the petitioner further submits that the respondent No.7 has issued a Memo No. 4364 dated 24.03.2009 by which the petitioner was directed to join the Police Line, Patna and therefore the petitioner has joined in Police Line, Patna on 25.03.2009 and thereafter he was deputed with Deputy Superintendent of Police (Traffic), Patna. Learned counsel for the petitioner submits that when the petitioner was joined in the Police Line on 25.03.2009 then he came to know that prior to the Memo No. 4364 dated 24.03.2009, a Memo No.6763 dated 28.08.2008 was also issued for joining of all the constables of Patna Police Line, Patna District who were above 40 years of age and working as bodyguards of different personalities. The petitioner was also above 40 years of age but since he did not get any letter/direction from the competent authority and therefore he could not join at Police Line as per direction of respondent No.7. Learned counsel for the petitioner submits that number of constables could not join at Police Line in compliance of order of respondent No.7 but their salary were issued under the signature of



respondent No.7 (Annexure-3). Learned counsel for the petitioner submits that the petitioner was continuously on duty as Bodyguard of Sri Ram Babu and when he received the direction dated 24.03.2009 issued by the respondent No.7 he instantly joined at Patna Police Line on 25.03.2009 and other similarly situated constables have been allowed salary for the period in question so petitioner is also entitled for the same.

4. Learned counsel for the petitioner submits that from a bare perusal of the order dated 28.08.2008 that letter was never served upon the petitioner and he has no knowledge about the order dated 28.08.2008 and when he came to know he received the order on 24.03.2009, immediately he joined the duty on 25.03.2009 and till 24.03.2009 he was on duty with Sri. Ram Babu under which the petitioner was on duty as a Bodyguard.

5. Learned counsel for the State submits that in compliance of order dated 28.08.2008 the petitioner was supposed to join the police line immediately after order dated 28.08.2008 but he did not join the Police Line and he was joined the Police Line on 25.03.2009 so respondent No.7 has rightly stopping the salary of the petitioner for the period 27.10.2008 to 24.03.2009 which was granted as extra ordinary leave but fairly submits the if the



other similarly situated persons have been paid their salary then petitioner was also entitled for the same.

6. In view of the aforesaid, order dated 12.06.2009 is set aside and respondent No.7 is directed to release the salary of the petitioner from 27.10.2008 to 24.03.2009 within a period of six weeks from the date of receipt/production of a copy of this order.

7. Accordingly, this writ application is allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2024
Transmission Date	NA

