

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13833 of 2024

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Suresh Kumar Singh S/o Late Dinanath Singh, Resident of Flat No-101, R.R. Ugrah Apartment, Shiopuri, P.S. Shastrinagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home (Police) Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Additional Director General of Police (Budget, Appeal and Welfare), Bihar, Patna.
5. The Inspector General of Police, Central Range, Patna, Bihar.
6. The Inspector General of Police, Head Quarter, Patna, Bihar.
7. The Sr. Superintendent of Police, Patna.
8. Commandant, Special Protection Force, Chief Minister, Bihar.
9. The Additional Police Superintendent cum Accounts Officer, Head Quarter, Patna.
10. The Assistant Superintendent of Police cum Enquiry Officer, Patna Town, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Kumar Singh
For the Respondent/s : Mr.Addl. Advocate General (5)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-09-2024

Heard Mr. Ram Kumar Singh, learned counsel appearing on behalf of the petitioner and the learned AAG 5 for the Respondents/State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:-



“i. For issuance of direction, order or writ in nature of certiorari quashing the officer order dated 21.11.2022 issued by (the Respondent no.4), the Additional Director General of Police (Budget, Appeal & Welfare) Bihar, Patna as contained in Annexure 10, by which the signatory has though allowed the memorial appeal application and has quashed the punishment order passed by the Respondent no.5 issued vide memo no.2938 dated 02.12.2021 by which punishment of withholding of increments for two years with cumulative effect was awarded against the petitioner but has ordered to conduct the fresh enquiry from the stage of examination of witnesses.

ii. For issuance of direction, order or writ in nature of certiorari quashing the entire proceeding bearing 279/19 initiated in the light of order dated 21.11.2022 passed by the Respondent No.4, being highly arbitrary, unreasonable, blatant disregard and violation of the principles of natural justice.

iii. To command the Respondents to stop unnecessarily harassing the petitioner and exonerate him from departmental proceeding bearing no.279/19.

iv. For issuance of such other appropriate order or direction which may deem fit and proper in the facts and circumstances of the present case.”

3. Learned counsel appearing on behalf of the petitioner submitted that the result of quashing of order of punishment by the Appellate Authority amounts that the status of the petitioner will remain same and the petitioner is entitled for the financial benefit. The penalty order has been quashed.

4. The Appellate Authority has not considered the fact that the misconduct, which has been alleged against the petitioner, will not amount to misconduct and the direction for



holding of fresh departmental inquiry is against the principle of natural justice, as well as, it is not in accordance with law.

5. Per contra learned counsel for the State submits that the petitioner has not been able to point out any infirmity in the appellate order and considering the nature of misconduct, as alleged against the petitioner, the petitioner may participate in the departmental inquiry.

6. Having considered the rival submissions made on behalf of the parties, as well as, having considered the impugned order and the appellate order contained in letter no.78 dated 21.11.2022, I do not find any infirmity calling for interference in the appellate order, by which the petitioner has been directed to participate in the departmental inquiry, however, the petitioner, if so advised, may plead for the relief(s), as prayed for, including the legal submission that the charges, as alleged against him, will not amount to misconduct.

7. Learned counsel for the petitioner submits that he has received information from the petitioner that on 19th of this month (i.e. 19.09.2024), the petitioner will appear before the Disciplinary Authority.

8. It goes without saying that the disciplinary proceeding should be concluded well within the period as



prescribed under the Bihar Government Servants
(Classification, Control & Appeal) Rules, 2005.

9. With the above observation/direction, the present
writ application stands disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2024
Transmission Date	NA

