

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14667 of 2024

=====

Arun Kumar S/o Late Ramnath Singh, resident of Village-Puri, Post-Pawapuri, P.S.-Giriyak, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Govt. of Bihar, Patna.
2. D.G. of Police Bihar, Patna.
3. Inspector General of Police Central Range, Patna.
4. SSP Patna x
5. City SP (West) Patna cum Enquiry Officer of Patna District Departmental Enquiry No.-101/2022, Patna.
6. DIG Begusarai Range, Begusarai.
7. SP, Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir, Adv.
For the State : Mr. Ajay Behari Sinha, Sr. Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 27-09-2024 The petitioner is an Inspector of Police presently posted at Begusarai District. Previously, when he was posted as S.H.O., Gardanibagh, Patna, the Inspector General of Police, issued a notice to show cause on the ground that there was considerable delay in sending the copies of the case diary, in connection with the cases investigated by the Police Officer at Gardanibagh Police Station, Patna to the office of the Deputy Superintendent of Police.

2. The petitioner submitted a reply which was duly considered by the Senior Superintendent of Police, accepted the



explanation submitted by the petitioner, on the issue of delay in sending the case diary, except in one case, where the carbon copy of the case diary was sent without any signature.

3. The said report was placed before the Inspector General of Police and by his order, a departmental proceeding was initiated in the year 2022 and the said departmental proceeding is still pending.

4. It is the grievance of the petitioner that during the pendency of the departmental proceeding, the Officers junior to him, were given promotion and his legitimate expectation of promotion is hampered due to pendency of the departmental proceeding.

5. Learned Advocate on behalf of the petitioner referring to a decision of the Hon'ble Supreme Court in the case of ***Prem Nath Bali Vrs. Registrar, High Court of Delhi and Another***, reported in ***2016 (1) PLJR SC 461***, submits that it is the duty of the employer to ensure that the departmental enquiry is concluded within the shortest possible time by taking priority measures. In case, where a delinquent is placed under suspension during the pendency of such enquiry, then it becomes all the more imperative for the employer to ensure that the enquiry is concluded in the shortest possible time to avoid



any inconvenience, loss and prejudice to the rights of the delinquent employee. Every employer (whether State or Private) must make sincere endeavour to conclude the departmental enquiry within a reasonable time by giving priority to such proceeding and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes, arising in the proceeding within the time framed, then efforts should be made to conclude within reasonably expended period depending upon the cause and the nature of enquiry, but not more than a year.

6. It is submitted by the learned Advocate for the respondents that the enquiry is pending for last two years and the case of the petitioner for promotion is not being considered by the concerned authority.

7. Having heard the learned Advocate on behalf of the petitioner and the learned Counsel for the State/ respondents and on careful perusal of the materials on record, this Court finds that there is inordinate delay in disposing of the departmental proceeding against the petitioner.

8. Therefore, the Inspector General of Police, Central Range, Patna, respondent no. 3 is directed to dispose of the



departmental proceeding against the petitioner within 45 days from the date of communication of this order.

9. If the petitioner is exonerated from the charges, his prayer for promotion may be considered in accordance with the law, by the promotional authority.

10. With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

pravinkumar/-

U			
---	--	--	--

