

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9427 of 2018

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Nagendra Singh No. 2 son of Late Baldeo Singh, Resident of Village-
Fatehpur Nadi Ke Par, P.S.- Didarganj, P.O.- Fatehpur, District- Patna Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Home Secretary, Government of Bihar, Patna Bihar.
3. The Director General of Police, Patna Bihar.
4. The Superintendent, Shahid Khudi Ram Bose, Central Jail, Muzaffarpur Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ful Man Singh, Adv.
For the Respondent/s : Mr.Md.Nadeem Seraj -GP5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 27-02-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ application has been filed for directing the respondents to pay the arrear amount of full salary of suspension period w.e.f. 1998 to 2001 with 18 % statutory interest after setting aside the order contained in 31.07.2002 passed by the Disciplinary Authority.

3. Counsel further submits that the petitioner was enrolled in the post of Kachhpal in the Bihar Police service in the year 1965 and retired on 30.06.2004 from the post of Kachhpal. He further submits that the petitioner was suspended



in 1999 to 2001 due to allegation that due to negligent in his duty and fled away from the gate of the jail. He further submits that charge-sheet was submitted and departmental proceedings was also initiated against him as well as criminal case has been lodged *i.e.*, Sessions Trial No.523 of 2001 at District Vaishali at Hajipur. He further submits that the punishment order has been imposed vide order No.252 dated 31.07.2002 in which he was returned to original place *i.e.*, Kachhpal.

4. Counsel further submits that the petitioner has been acquitted vide order dated 04.03.2017 and, thereafter he has filed representation intimating that he has been acquitted from the criminal case therefore, appropriate decision may be taken and his punishment be set aside.

5. Learned Counsel for the State on the other hand submits that departmental proceeding and criminal case are two distinct proceedings. The departmental proceeding is absolute different from the acquittal in the criminal case. The criminal case has been lodged for his conduct and *mens rea* whereas the departmental proceeding has been conducted on the basis of his action taken place in the department for the said purpose.

6. After going through the pleadings of the parties as well as from the documents available on records, it transpires to



this Court that after punishment order dated 31.07.2002, the petitioner has filed an application before the I.G. Prison indicating his grievances in the form of appeal, which has been received on 28.09.2002 page 17 of the present writ petition. On the said appeal, both the parties are not in a position to state anything that whether appeal is pending or disposed off? Since there is no specific response of the counsel for the State on the said appeal therefore, this Court presumes that no final order has been passed in the said appeal till date.

7. It transpires to this Court that the petitioner has filed the present writ petition with direction to respondents to make payment to the period of salary of his suspension particularly, after acquittal in criminal case. He submits that the petitioner has also filed an application to the respective Minister in this regard.

8. In the light of the submissions made, this Court particularly acknowledging that service appeal of the petitioner is still pending and no order has been passed on his appeal. This Court hereby disposed off the present writ petition directing the petitioner to file his representation before the I.G. Prison, Bihar Patna for intimating the subsequent development of the criminal case before him and upon receiving the same, I.G. Prison, Bihar



shall pass final order considering all aspects of the matters including this fact that in criminal case charges were not proved against the present petitioner and considering his acquittal in the Sessions Court.

9. The I.G. Prison, Bihar is directed to pass final order in appeal within 60 days from the date of production of this order considering the charges alleged in the criminal case is the basis that departmental proceedings has already not been proved by the sessions trial.

10. With the aforesaid directions and observations, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

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