

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3858 of 2025

Vijay Kumar, Son of Yogendra Ray Constable, 624, GRP Rail Muzaffarpur,
Resident of Village Raza Bazar, Salempur Dumra, Post Office- B.V. College,
Police Station- Hawaii Adda, District- Patna- 800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Government of Bihar, Patna.
2. The Inspector General of Police, Railway, Railway Office, Bihar, Patna.
3. The Additional Inspector General, Bihar, Patna.
4. The Deputy Inspector General of Police, Railway, Patel Bhawan, Shashtri Nagar, Bihar, Patna.
5. The Superintendent of Police, Railway, Railway Office, Muzaffarpur.
6. The Deputy Superintendent of Police cum Enquiry Officer, Railway, Railway Office, Sonpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Maheshwar Prasad, Advocate
For the Respondent/s	:	Mr. Ajay Behari Sinha, GA-8
		Mr. Upendra Kumar Singh, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-03-2025 Heard Mr. Maheshwar Prasad, learned Advocate for the petitioner and Mr. Ajay Behari Sinha, learned Senior Advocate (Government Advocate No. 8) duly assisted by Mr. Upendra Kumar Singh, learned Advocate.

2. The petitioner is aggrieved with the Rail District order no. 1019 of 2020 dated 27.09.2022, whereby he has been inflicted with the punishment of dismissal. The appeal preferred against the order aforementioned, however, also came to be rejected by the Deputy Inspector of Police, Railway, Bihar vide order dated 19.12.2024 on account of the same being found time barred.



3. The petitioner on being aggrieved with the aforesaid orders also preferred revision petition before the Additional General of Police, Railway which also came to be rejected vide order dated 28.01.2025.

4. Learned Advocate for the petitioner contended that on the charge of absence from service for a period of 1617 days, the petitioner was put to departmental proceeding which culminated into dismissal without adhering to the prescription as provided under Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 as well as Bihar Police Manual.

5. Learned Advocate for the petitioner, urged before this Court that the delay has occurred in approaching the appellate authority on account of some medical ailment of the petitioner due to accident, but the same could not have been considered by the appellate authority and the appeal preferred by the petitioner came to be rejected under Rule 852(क), which mandates that the appeal/revision ought to be filed preferably within a period of six months, however, in certain circumstances if the reason for delay is found to be satisfactory, the period can be extended till twelve months.

6. Learned Senior Advocate for the State dispelling the aforesaid contention has urged before this Court that no



sufficient cause has been shown, which prevented the petitioner in preferring the appeal before the appellate authority.

7. Be that as it may, considering the submissions advanced on behalf of learned Advocate for the respective parties, this Court direct the respondent no. 4 to consider the limitation petition of the petitioner afresh for condonation of delay, if the same is supported with the medical prescriptions, and on being satisfied, condone the delay and dispose off the appeal of the petitioner on its merit by giving proper opportunity of hearing to all the concerns, in accordance with law. The entire exercise must be completed preferably within a period of three months from the date of receipt/production of a copy of this order.

8. Suffice it to observe that the order passed by the appellate authority as well as the ADG, Bihar Police, rejecting the appeal and revision of the petitioner on the ground of limitation or any technicalities shall not come in the way of the concerned respondent authorities to hear the appeal afresh on its own merit.

(Harish Kumar, J)

supratim/-

U			
---	--	--	--

