

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4995 of 2020

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Surendra Sahni, Son of Late Chadra Deo Sahni, Resident of Village- Ninga,
P.S.- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Purnia Range, Purnia.
4. The Superintendent of Police, Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kameshwar Singh, Advocate
For the Respondent/s	:	Mr. P.K. Verma, AAG- 3
		Ms. Divya Verma, AC to AAG- 3

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-06-2025

The challenge in the present writ petition is made to an order dated 31.07.2007 passed in Departmental proceeding no. 53 of 2006 whereby the petitioner has been inflicted with the punishment of withholding of one increment for a year.

2. During the pendency of the writ petition, the petitioner came to know under the Right to Information Act that his appeal preferred against the original order also came to be rejected vide order as contained in Memo no. 967 dated 06.01.2009, in Appeal No. 53 of 2006.

3. It is the specific contention of the petitioner that the order passed by the Appellate Authority has never been served upon him, hence the same has been challenged by filing



interlocutory application, bearing I.A. No. 1 of 2020.

4. Learned Advocate for the petitioner further enlarged the scope of the writ petition and contended that though the petitioner was superannuated long ago, but till date the he has not been accorded even admissible ACP/MACP.

5. Ms. Divya Verma, learned Advocate for the State submitted that in any view of the matter the impugned order came to be passed in the year 2007. Even if the order of the appeal was not communicated to the petitioner he should approach the Court within time, however, the present writ petition has been filed in the year 2020 after a delay of thirteen years. Referring to the counter affidavit, she fairly contended that if the petitioner is still sanguine about his claim and has grievance with the impugned order, he should approach the Director General of Police by filing a Memorial, but the same did not happen.

6. Considering the submissions set forth by the learned Advocate for the petitioner, this Court is not persuaded to entertain the writ petition. However, in terms of para. 14 of the counter affidavit, filed on behalf of respondent no.4, the petitioner may have avail the remedy of Memorial before the Director General of Police.



7. The petitioner is also at liberty to raise his grievance for extending the benefit of ACP/MACP before the competent authority. If the petitioner files a representation for extending the benefit of ACP/MACP, the competent authority shall look into the matter and pass a reasoned and speaking order.

8. The writ petition stands closed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

