

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10270 of 2013

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Gorelal Sharma, son of Late Kamla Singh, resident of village – Malikpur, P.S.
Rajgir, District – Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar,
2. The District Magistrate, Patna,
3. The Superintendent of Police, Jahanabad,
4. The Deputy Inspector General of Police, Magadh Range, Gaya,
5. The Director General of Police, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Pd. Singh, Advocate
For the Respondent/s	:	Mr. Kunal Tiwary, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 17-01-2025

In the light of previous order, Mr. Arvind Singh,
Superintendent of Police, Jehanabad is present in the Court.

2. It is necessary to reproduce earlier order dated
20.07.2024 and it reads as under:

*“Learned counsel for the respondents
is hereby directed to secure original records
relating to disciplinary proceedings including
appellate authority’s orders. On the next date of
hearing, learned counsel for the respondents has to
apprise this Court to the extent what are the
powers and functions of the appellate authority*



and in what manner, appeal is required to be considered, for example in the other set of Domestic Inquiry Rules, there are criterias like whether imposition of penalty commensurate with the charge levelled against the petitioner or not. In other words, quantum of penalty was required to be examined by the appellate authority. In the present case, as on the date of deciding appeal, petitioner was acquitted in the criminal case. Therefore, what remains is in respect of remaining unauthorized absence for about eight months and he was involved in criminal cases. Prima facie, this point was not considered by the appellate authority. On these issues, learned counsel for the respondents is hereby directed to appraise on the next date of hearing.

2. Re-list this matter on 09.08.2024.”

3. Today, learned counsel for the Respondents, in the presence of Superintendent of Police, Jehanabad, it was pointed out Appeal Memorial has not been considered by the concerned authority at Annexure-3A. In the light of Appeal Memorial Annexure-3 series, which runs to page 1 to 8, whereas



the Appeal Memorial has been rejected in two pages without there being consideration of each of the contention read with the citation furnished by the petitioner in his Appeal Memorial.

4. Accordingly, the impugned order dated 29.02.2012 is set aside and matter is remanded to the competent authority, who has to decide Appeal Memorial afresh.

5. He/she is hereby directed to pass a detailed speaking order after due consideration of each of the contention raised in the Appeal Memorial dated 29.08.2011 within a period of 03 months from the date of receipt of this order. The concerned authority is hereby requested to provide oral hearing to the petitioner or to his counsel in order to appreciate certain legal issues raised by the petitioner in his Appeal Memorial.

6. Accordingly, the present C.W.J.C. No. 10270 of 2013 stands allowed in part.

(P. B. Bajanthri, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.01.2025
Transmission Date	NA

