

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12005 of 2011

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Lambodar Chaudhary, Son of Late Satya Narain Chaudhary, Vill. Parasmani,
P.S. Sarsi, District-Purnia

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General Of Police Police Head Quarter, Old Secretariat, Patna
3. Zonal Inspector General Of Police, Darbhanga Range, Darbhanga
4. Deputy Inspector General Of Police, Purnia Range, Purnia
5. The Suprintendent Of Police, Purnia
6. The Suprintendent Of Police, Katihar
7. The Suprintendent Of Police, Bhojpur At Ara
8. The State Of Jharkhand Through D.G.P. Jharkhand
9. Deputy Inspector General Of Police, Training Cum Principal Police Training College, Hazaribagh

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Noumaan Ahmad, Advocate
		Mr. Arif Daula Siddiqui, Advocate
For the Respondent/s	:	Mr. S.S. Tiwary, AC to AAG 15
For State of Jharkhand	:	Mr. Maruth Nath Roy, Advocate

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

Date : 27-06-2025

In the instant writ petition, petitioner has prayed for
the following reliefs :

“(A) For issuance of an appropriate writ order or direction quashing Memo No. 1522 dated 16-06-2009 (Annexure-7) passed by the Superintendent of Police, Purnia whereby petitioner has been dismissed from service.

(B) For issuance of an appropriate writ order or direction or quashing Memo No. 2198 dated 30-06-2009 (Annexure-9) issued by the office of Superintendent of Police, Katihar whereby order



of dismissal has been served upon the petitioner on the day on which petitioner superannuated i.e. 30-06-2009.

(C) For issuance of an appropriate writ, order or direction quashing Memo No. 869 dated 03-10-2009 (Annexure-11) whereby appeal preferred against the said the order of dismissal has been rejected by the learned D.I.G. of the Purnia Range, Purnia.

(D) For issuance of an appropriate writ order or direction quashing the order dated 11-08-2010 (Annexure-15) whereby Memorial of the petitioner has been rejected by the learned Director General of Police Bihar.

(E) For issuance of an appropriate order writ or directing the respondents to treat the petitioner as a superannuated employee who superannuated on 30-06-2009 and then pay him all consequential monetary benefits.

(F) For any other relief or reliefs for which petitioner is entitled in the opinion of this Hon'ble Court."

2. Petitioner joined as a Constable on 01.11.1972.

While he was working as such on 12.02.1989, he applied for leave for about three days on account of his father's illness. Thereafter, he remained unauthorized absent for about 481 days. As and when he reported back, his duty report was accepted on 11.06.1990. Thereafter, charge-memo was issued on 13.03.1991 for remaining unauthorized absent for about 481 days. The same was concluded just 14 days before his retirement i.e. on 16.06.2009 read with the



fact that he was about to retire on 30.06.2009. In fact, copy of the dismissal order was served on the date of his retirement on 30.06.2009.

3. Taking note of the aforementioned dates and events, it is a serious lapse on the part of the official respondent in not concluding the disciplinary proceedings within a reasonable period of time of six months to one year. On the other hand, they have taken their own time of about 19 years. Petitioner rendered his service from 01.11.1972 to 12.02.1989 and between 11.06.1990 to 30.06.2009, imposition of penalty of dismissal from service on account of remaining unauthorized absent for about 481 days would be too harsh, having regard to the fact that respondents have taken 19 years to conclude the departmental inquiry in respect of sole charge that he remained unauthorized absent for about 481 days. Further, litigation is pending consideration from the year 2011, therefore, it is not proper to remand the matter to pass a fresh order at this distance of time. However, factual aspect of the matter is shocking the conscious of this Court insofar as taking 19 years to complete departmental inquiry insofar as sole charge of remaining unauthorized absent for about 481 days and at the fag end of his service imposition of penalty of dismissal from service. Therefore, order of dismissal



dated 16.06.2009 read with appellate authority's order dated 03.10.2009 and rejection of memorial dated 11.08.2010 stand modified to the extent of withholding three increments with cumulative effect penalty for the period from the year 2005 to 2008.

4. Further, respondents are hereby directed to re-fix pay of the petitioner after granting annual increments which are due to him and calculate dues of pay. Further, fix his pension with reference to last pay drawn after granting annual increments from time to time which is due to the petitioner. Thereafter, calculate pension and proceed to disburse the amount, arrears of pay and arrears of pension within a period of six months from the date of receipt of copy of this order, failing which petitioner is entitled to litigation cost and it is quantified at Rs. 25,000/- (Rupees Twenty Five Thousand). Accordingly, present writ petition is allowed in part.

5. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	02.07.2025
Transmission Date	

