

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7155 of 2025

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Shree Narayan Prasad Gupta @ Narayan Prasad Gupta S/o Late Balkrishna
Sah, R/o Village-Dulari, P.S.-Pipra, Dist-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Sardar Patel Bhawan, Nehru Path, Patna.
2. The Additional Director General of Police, Budget Appeal and Welfare, Bihar, Patna.
3. The Deputy Inspector General of Police, Saran, Chapra.
4. The Superintendent of Police, Saran, Chapra.
5. Shri Karamveer Prasad Singh, Circle Inspector Mufassil, Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate Ms. Shivani Mishra, Advocate Mrs. Pragati Singh, Advocate Mr. Shashank Shekhar, Advocate Ms. Vidhi Shree, Advocate
For the Respondent/s	:	Mr. Tripurari Nath Ambastha, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 26-03-2026

Heard learned Counsel for the petitioner and
learned Counsel for the State.

2. The present writ petition has been filed with
the following reliefs:

*“(i) Memo no. 4938/R.o
Chapra dated 26.09.2023 passed by
Superintendent of Police, Saran Chapra by
which pay increments for 6 months with non-
cumulative effect has been*



withheld/stopped be set-aside.

(ii) Memo no. 1255/R.O Chapra dated 06.03.2024 passed by Deputy Inspector General of Police, Saran Range, Chapra be set-aside whereby and whereunder the appeal preferred by the petitioner has been erroneously rejected.

(iii) Order dated 03.07.2024 passed by Additional Director General of Police budget, appeal and welfare, Bihar Patna be set-aside, whereby & whereunder appeal preferred by the petitioner has not been interfered and file has been consigned.

(iv) A writ of Mandamus be issued directing the respondent authorities to grant all consequential benefits including arrears and difference of pay as well as due promotion to the petitioner.”

3. Learned Counsel for the petitioner submits that the petitioner was appointed on the post of constable with effect from 02.01.1999. Subsequently, by virtue of his excellent performance of work he was promoted to the rank of Assistant Sub-Inspector of Police on 04.05.2017. Counsel submits that during his tenure, petitioner has earned more than 30 rewards, but unfortunately when he was posted at Dariyapur Police Station, he received memo No.2078/R.O. Chapra dated 27.04.2023, issued by Superintendent of Police, Saran, whereby



he was placed under suspension and explanation was demanded from him with regard to his absence from duty and he was directed to present on duty on 26.10.2022 when six days CPL was to be completed from 19.10.2022. Further charges were levelled against him that of disobedience and negligence and also that he failed to hand over the charge being present at the police station. Charge memo is attached with Memo No.2078/R.O. dated 27.04.2023. Counsel submits that he has submitted his explanation before Superintendent of Police on 29.05.2023. He further submits that another explanation was demanded on 06.08.2023, hence, he was under Medical treatment and he was advised rest. He further submits that he had already handed over his charge of Marhaura Police Station Case No.509/18 and 553/2019 on 13.04.2020. Counsel submits that on his part no charge was due to be handed over. He further submits that departmental proceeding No.43/2023 was initiated against the petitioner in which police Inspector-Cum-Conducting Officer, Muffasil Circle Garkha Saran conducted the departmental proceeding and after examining all the charges held the petitioner not guilty of the charges and submitted his enquiry report dated 30.08.2023. Counsel submits that even after submission of the enquiry report that charges not found



true, the Superintendent of Police, Saran, passed the impugned order of punishment vide Memo No.4938/R.O. Chapra dated 26.09.2023, by the said punishment three increments for six months has been stopped/withheld and further he would not be paid anything except what he has been paid during the period of his suspension.

4. Learned Counsel submits that the petitioner being aggrieved by the said order preferred appeal before the Deputy Inspector General of Police, Saran Range, Chapra, but the said appeal was also dismissed vide order contained in Memo No.1255/R.O. dated 06.03.2024. Counsel submits that thereafter the petitioner has preferred next appeal before the Additional Director General of Police Budget Appeal Welfare on 19.04.2024, but the said appeal was not entertained vide order dated 03.07.2024. Learned Counsel for the petitioner submits that from the order of the Enquiry Officer, it becomes crystal clear that the Enquiry Officer has exonerated the petitioner from both the charges and the Disciplinary Authority (Superintendent of Police) has passed the order of punishment in which no finding has been recorded as to why he became disagree with the finding of the Enquiry Officer on article of charges, which is in gross violation of Rule 18(2) the Bihar



Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as the 'CCA Rules, 2005'). He also submits that the disciplinary authority has also not forwarded any show-cause or disagreement memo under Rule 18(3) of the CCA Rules, 2005 and pass final order directly disagreeing on the enquiry report. Counsel submits that the original order has been passed in gross violation of law established.

5. Learned Counsel for the State, on the other hand, submits that original order and appellate order both are well reasoned and at the time of passing the order, this aspect has been taken into consideration. He submits that in the counter affidavit, the stand has been taken in paragraph (iv) that after going through the records of the departmental enquiry, the then Superintendent of Police, Saran, disagree with the agreement memo and categorically stated that since despite being direction to appear at Dariyapur Police Station and hand over charge of investigation of case from other police station, the delinquent failed to comply, therefore, he disagrees with the enquiry report submitted by the conducting officer and petitioner was found guilty of charges leveled against him and it is due to this reason the petitioner's salary increment shall be



stopped for six months with non cumulative effect and for the period of suspension he will not be liable to receive any further emoluments apart from the subsistence allowance already received by him.

6. Learned counsel for the respondents submits that the findings of the Disciplinary Authority have already been examined by the Appellate Authority, namely the Deputy Inspector General of Police, and the order passed by the Disciplinary Authority has been affirmed. It is further submitted that no interference is warranted in the present matter. Counsel also contends that the petitioner subsequently challenged both orders before the Additional Director General of Police; however, the same was rejected on the ground that, as per the Police Manual, there is no provision for a second appeal.

7. After hearing the parties and upon perusal of the impugned orders, this Court finds that the Enquiry Officer has admittedly exonerated the petitioner. Rule 18 of the CCA Rules, 2005, which deals with action on the enquiry report, clearly provides that where the Disciplinary Authority disagrees with the findings of the Enquiry Authority, on any article of charge, it is required to record reasons for such disagreement and also record its own findings on such charge, provided that



the evidence on record is sufficient.

8. Further, Rule 18(3) of the CCA Rules, 2005 mandates that the Disciplinary Authority shall forward a copy of the enquiry report, along with its own findings, if any, to the delinquent employee, enabling him to submit his representation within 15 days.

9. Here in the present case, there is a complete non-compliance with the provisions of Rules 18(2) and 18(3) of the CCA Rules, 2005. The record reveals that no reasons for disagreement were recorded, nor was any disagreement memo or second show-cause notice issued to the petitioner.

10. The respondents may contend that since only a minor punishment has been imposed, interference is unwarranted. However, Rule 19, which deals with imposition of penalties, makes it clear that even in cases of minor punishment, if the Disciplinary Authority chooses to adopt the procedure prescribed under Rule 17(23), then it is bound to follow the procedure laid down under Rules 17 and 18. In the present case, such compliance is wholly absent.

11. In this view of the matter, this Court is of the considered opinion that the order passed by the Disciplinary Authority is in gross violation of Rules 18(2), 18(3), and 19(1)



(b) of the CCA Rules, 2005. Consequently, both the original order contained in Memo No.4938/R.O. Chapra dated 26.09.2023 passed by the Superintendent of Police, Saran at Chapra, and the appellate order contained in Memo No.1255/R.O. Chapra dated 06.03.2024 passed by the Deputy Inspector General of Police, Saran Range, Chapra, are hereby set aside.

12. However, liberty is granted to the Disciplinary Authority to proceed afresh from the stage of consideration of the enquiry report, if so advised, and to conclude the entire exercise within a period of 90 days from the date of receipt/production of a copy of this order.

13. Accordingly, the writ petition stands allowed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2026
Transmission Date	

