IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No.2748 of 2017

Kishore Chandra Mishra, son of Shri Murari Mishra (Retired Dy. Superintendent of Police), resident of village and Post Rohini, PS Jasidih, District Deoghar. …… **Petitioner**

Versus

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, Project Bhawan, PO and PS Dhurwa, District Ranchi.
2. The Chief Secretary, Government of Jharkhand, Project Bhawan, PO and PS Dhurwa, District Ranchi.
3. The Principal Secretary, Department of Home, Government of Jharkhand, Ranchi, Project Building, PO and PS Dhurwa, District Ranchi.
4. The Finance Secretary, Government of Jharkhand, Ranchi, Project Building, PO and PS: Dhurwa, District Ranchi.
5. The Director General of Police, Jharkhand, Police Headquarter, Project Bhawan, PO and PS Dhurwa, District Ranchi.
6. The Deputy Inspector General of Police, Jharkhand Armed Police, Raja Rani Kothi, Doranda, PO and PS Doranda, District Ranchi.
7. The Commandant, Jharkhand Armed Police-5, Mohanpur, Deoghar, PO and PS Mohanpur, District Deoghar.
8. The Superintendent of Police Jamshedpur, East Singhbhum, PO and PS Sakchi, town Jamshedpur, District Singhbhum East.
9. The Superintendent of Police, Giridih, PO, PS and District Giridih.

……**Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner(s) :Ms. Vani Kumari, Advocate
For the Respondent :Mr. Aman Kumar, AC to SC-VI

Order No.10/Dated:22/04/2026

1. The present writ petition under Article 226 of the Constitution of India has been filed seeking following relief(s):

(i) For issuance of an appropriate writ (s)/order(s)/direction(s), quashing the communication made to the petitioner vide memo no. 2362/Reserved Office dated 1.10.2016 issued by the Commandant, Jharkhand Armed Police-

5, Deoghar, whereby the photo copy of calculation of earned leave has been served upon the petitioner, as the same has been wrongly calculated.

(ii) To quash the District Order no. 28/1997 dated 4.1.1997 issued by the Superintendent of Police, Jamshedpur, whereby the medical leave of the petitioner has been wrongly adjusted towards Earned Leave and that too by wrongly adjusting 242 days instead of the medical leave of the petitioner of 214 days on the recommendation of the Sargent Major of Police Line, Jamshedpur 30.12.1996.

(iii) To quash the part of order dated 20.11.2004, whereby even after dropping the Departmental Proceeding no. 32 of 2003, the then Superintendent of Police, Giridih has wrongly adjusted the medical leave of the petitioner of 305 days as earned leave on 20.11.2004 vide District Order no. 1548/2004 issued by Superintendent of Police, Giridih dated 20.11.2004, whereby suspension period has been adjusted with the earned leave even though the proceeding has been dropped against the petitioner and as such the respondents while paying the pensionary benefit of the petitioner has adjusted 300 days of earned leave in such wrongful calculation which have never been communicated to the petitioner, but ultimately communicated to the petitioner vide Memo No. 2362/Reserved Office dated 1.10.2016 issued under the signature of Commandant, Jharkhand Armed Police-5, Deoghar and as such because of the wrong calculation of the

earned leave or adjustment of the earned leave instead of Medical Leave or even after dropping the departmental proceeding, the period of suspension (84 days) and medical leave of 304 days have been wrongly adjusted in earned leave by not considering that such medical leave is permissible under Rule 202 of the Bihar/Jharkhand Service Code and 84 days when petitioner has been wrongly put under suspension, which ought not have been adjusted from Earned Leave as the department proceeding has been dropped and as such the order contained District Order no.28/1997 dated 4.1.1997 issued by the Superintendent of Police, Jamshedpur and the Order dated 20.11.2004 issued in Department Proceeding no. 32/2003 by the Superintendent of Police, Giridih vide District Order no. 1548/2004 be quashed and consequently the communication made to the petitioner vide memo no.2362/ Reserved Office dated 1.10.2016 issued by the Commandant, Jharkhand Armed Police-5, Deoghar be also quashed and respondents may be directed to calculate the earned leave of the petitioner and recommend the same for encashment of 300 days of earned leave to the petitioner, who has superannuated on 31.1.2016 from the post of Deputy Superintendent of Police, Jharkhand Armed Police-5, Deoghar.

(iv) For grant of any other relief (s) to which the petitioner is legally entitled for leave encashment along with interest and litigation cost also.

Factual Matrix:

2. The brief facts of the case as per pleadings made in the instant writ petition require to be enumerated herein which read as under:

(i) It is stated that the petitioner has joined on the post of Sub Inspector of Police through the 1st Bihar Public Service Commission. The petitioner was appointed as Sub-Inspector of Police vide Memo No. 7715/7-2-1-76 dated 8.7.1980 and directed to join at Police Training College, Hazaribagh where petitioner submitted his appointment letter at the time of joining and completed his training with other Sub Inspectors and thereafter was posted as Sub Inspector mentioned at serial no. 168 in the district of Sahibganj vide memo no. 8351/A/7-2-3-81 dated 30.7.1981 issued by Inspector General of Police, Patna.

(ii) After joining to the post, the petitioner was sent for training at Police Training College, Hazaribagh where he joined on 21.7.1980 and completed his training on 14.7.1981 and after due passing of the examination of police training, he was posted in the district of Sahebganj, where he joined on 10.8.1981 and subsequently the district of Sahebganj was bifurcated in two districts, namely, Sahebganj and Godda in May, 1983 and thus petitioner was transferred to the district of Godda in the year 1984 where petitioner remained posted till 31st December, 1986.

(iii) Subsequently petitioner was transferred to the district of Dumka in January, 1987, where he remained till 1989 and again he was transferred to the district of Sahebganj in the year 1990 and remained there till October, 1992 as Sub Inspector of Police.

(iv) In November, 1992, petitioner has been transferred to police headquarter, Jamshedpur, where he joined in November, 1992.

(v) Vide District Order no.4992/1994 issued under the signature of Superintendent of Police, Jamshedpur, petitioner was sent on deputation as Law Instructor at Bihar Military Police-2, Dehri-on-son, where he joined in October, 1994.

(vi) While petitioner was on deputation as Law Instructor, Bihar Military Police-2, Dehri-On-Son, he suffered different ailments of pain and later on the same was detected as spondylolisthesis and thus petitioner went on seven days casual leave because of his illness from 17.8.1995.

(vii) Seeing the physical condition of the petitioner after his joining from casual leave of seven days w.e.f. 17.8.1995 he was relieved by the Commandant, Bihar Military Police-2, Dehri-On-son vide memo no. 3919 dated 2.9.1995 for his own parent district i.e. Jamshedpur where petitioner joined on 21.9.1995 in

spite of his medical illness condition and necessary information was also given to the Superintendent of Police, Jamshedpur.

(viii) The petitioner was ill since 17.8.1995 even after his joining at Jamshedpur on 21.9.1995, he remained under medical treatment at Jamshedpur also and subsequently at Deoghar for four months as doctor has advised him to remain on bed rest. Such information was communicated to the Superintendent of Police, Jamshedpur time to time.

(ix) The petitioner joined Police Line, Jamshedpur with Fitness Certificate issued by the doctor on 22.4.1996 after remaining under medical treatment for 242 days which starts after completion of seven days of casual leave, which petitioner took on 17.8.1995 and continued till 21.4.1996 and as such 242 days Earned Leave have been granted in place of Medical Leave without following Rule 202 of Bihar Service Code.

Arguments advanced on behalf of the petitioner:

3. The learned counsel appearing for the writ petitioner has submitted that the writ petitioner while working as Sub Inspector fell ill from the period 27.7.2002 to 27.5.2003 and he was compelled to not attend the office. The disciplinary authority has considered the same as willful absence from duty and, as such, charge was framed of unauthorized absence. The petitioner was asked to appear before the

enquiry officer to defend the charge. The petitioner has appeared and defended the charge by submitting medical certificate before the enquiry officer in order to substantiate that his absence from duty was beyond his control and it was not willful.

4. The learned counsel has further submitted that the enquiry officer has appreciated the document which was submitted by the petitioner along with medical certificate and has come to a finding that the charge has not been proved. The inquiry report was forwarded to the disciplinary authority who has accepted the same and not intended to defer with the report rather taken a conscious decision to close the proceeding which would be evident from the order dated 20.11.2004 passed by the disciplinary authority in connection with Departmental Proceeding No. 32 of 2003.

5. It is further submitted that the disciplinary authority has converted the period of Medical Leave to that of Earned Leave and further decision was taken that the period of suspension will be treated to be on duty and further direction was to release the arrears of salary for the aforesaid period.

6. The learned counsel appearing for the petitioner has further submitted that is it available for the disciplinary authority to exceed his jurisdiction by inserting another decision which is detrimental to the interest of the writ petitioner.

The writ petitioner challenging the part of the order dated 20.11.2004, i.e., converting the Medical Leave to that of Earned Leave

and also the calculation as referred in Anenxure-7 to the writ petition, is before this Court by filing the instant writ petition.

Arguments advanced on behalf of the State:

7. The learned counsel for the State has submitted that S.P., Jamshedpur while passing such order had considered Rule 201A of the Bihar Service Code, 1952 which deals with the Special Disability Leave. Under the said provision, the State may grant Special Disability Leave to a Government servant, who is disabled by injury intentionally inflicted or caused in, or, in consequence of the due performance of his official duties or in consequence of his official position. The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of medical board, and shall in no case exceed 24 months.

8. The Superintendent of Police, Jamshedpur had not found the case of the petitioner to be considered under Rule 201 a, b, c, d and e of the Bihar Service Code.

Analysis: -

9. Heard the learned counsel for the parties.

10. This Court has gone through the pleadings as available in the writ petition as also the counter-affidavit.

11. As such, the issues which require consideration are:

(i) As to whether it is available to the disciplinary authority to insert a word beyond the memorandum of charge that too in a case where the delinquent employment, writ petitioner, has been exonerated from the charges.

(ii) Whether in the case of medical leave, as per the finding recorded by the enquiry officer having been accepted by the disciplinary authority, was it available to the disciplinary authority to take contrary view as was taken by the enquiry officer and accepted by the disciplinary authority himself.

Both the issues are interlinked and as such are taken up together for its consideration.

12. Before considering the same the admitted fact which needs to be referred again is that the writ petitioner has been suspended in contemplation of a departmental proceeding on the alleged ground of unauthorized absence. The disciplinary authority has decided subsequently to initiate a regular departmental proceeding and accordingly the memorandum of charge has been framed upon unauthorized absence as would appear from the content of Annexure-6 dated 20.11.2004. The petitioner has defended himself stating that the reason for absence which is said to be unauthorized one was beyond his control and as such it cannot come under the fold of unauthorized absence if it is not willful.

13. The writ petitioner has produced the medical certificate to substantiate this aspect of the matter. It further appears from Annexure -6 dated 20.11.2004 that the Superintendent of Police, Giridih, who is the disciplinary authority as per the Police Manual, has accepted the inquiry report and close the departmental proceeding without differing thereto in view of the ratio laid down by the Hon'ble Apex Court in the case of

Punjab National Bank & Others Vs. Kunj Behari Misra reported in ***1998 (7) SCC 84*** *at paragraph no.19 thereof which reads as under:*

> "19. The result of the aforesaid discussion would be that the principles of natural justice have to be read into Regulation 7(2). As a result thereof, whenever the disciplinary authority disagrees with the enquiry authority on any article of charge, then before it records its own findings on such charge, it must record its tentative reasons for such disagreement and give to the delinquent officer an opportunity to represent before it records its findings. The report of the enquiry officer containing its findings will have to be conveyed and the delinquent officer will have an opportunity to persuade the disciplinary authority to accept the favourable conclusion of the enquiry officer. The principles of natural justice, as we have already observed, require the authority which has to take a final decision and can impose a penalty, to give an opportunity to the officer charged of misconduct to file a representation before the disciplinary authority records its findings on the charges framed against the officer."

14. The disciplinary authority on one hand has accepted the finding recorded by the enquiry officer which means that the disciplinary authority has also accepted the element of ailment in support of which the medical certificate has been taken by the enquiry officer. Even then he has taken contrary view again by sanctioning the Medial Leave to that of Earned Leave and why such decision has been taken there is no reference in the said order and it should not have been otherwise the disciplinary authority will have to mention the ground for exceeding the jurisdiction in the capacity of disciplinary authority.

15. There is a difference in between disciplinary authority and the controlling authority to take decision in the administrative side. The conversion of the Medical Leave to that of the Earned Leave is contrary to the finding recorded by the enquiry officer which has been accepted by

the disciplinary authority as per the power which has been exercised by him as referred in the Police Manual. The issue of unauthorized absence has been dealt with in a case of **Krushnakant B. Parmar vs. Union of India, (2012) 3 SCC 178** wherein the background of the case upon which the judgment has been rendered was which absence is to be considered to be unauthorized and it has been laid down therein that unauthorized absence will be said to be unauthorized one if that is willful and in absence of consideration of willful intent not to attend the office, the same will be said to be not unauthorized absence. For ready reference the relevant paragraph of the aforesaid judgment is being quoted as under:

> "17. If the absence is the result of compelling circumstances under which it was not possible to report or perform duty, such absence cannot be held to be willful. Absence from duty without any application or prior permission may amount to unauthorised absence, but it does not always mean willful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his control like illness, accident, hospitalization, etc., but in such case the employee cannot be held guilty of failure of devotion to duty or behaviour unbecoming of a government servant.
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> 18. In a departmental proceeding, if allegation of unauthorised absence from duty is made, the disciplinary authority is required to prove that the absence is wilful, in the absence of such finding, the absence will not amount to misconduct.
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> 19. In the present case the inquiry officer on appreciation of evidence though held that the appellant was unauthorisedly absent from duty but failed to hold that the absence was wilful; the disciplinary authority as also the appellate authority, failed to appreciate the same and wrongly held the appellant guilty."

16. Thus, the law as has been settled in the case of **Krushnakant B. Parmar v. Union of India (Supra)** that in a case of unauthorized absence which is a gross misconduct, a finding is required to be given with respect to the absence said to be willful. The aforesaid judgment has subsequently been followed in the case of **Chennai Metropolitan Water Supply and Sewarage Board vs. T.T. Murali Babu, (2014) 4 SCC 108** as would appear from paragraphs-22 and 23 thereof. For ready reference, the said paragraphs are being referred as under:—

> "22. The learned counsel for the respondent has commended us to the decision in Krushnakant B. Parmar v. Union of India [Krushnakant B. Parmar v. Union of India, (2012) 3 SCC 178 : (2012) 1 SCC (L&S) 609] to highlight that in the absence of a finding returned by the inquiry officer or determination by the disciplinary authority that the unauthorised absence was wilful, the charge could not be treated to have been proved. To appreciate the said submission we have carefully perused the said authority. In the said case, the question arose whether "unauthorised absence from duty" did tantamount to "failure of devotion to duty" or "behaviour unbecoming of a government servant" inasmuch as the appellant therein was chargesheeted for failure to maintain devotion to duty and his behaviour was unbecoming of a government servant. After adverting to the rule position the two Judge Bench expressed thus : (SCC pp. 181-82, paras 16-18)
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> > "16. In the case of the appellant referring to unauthorised absence the disciplinary authority alleged that he failed to maintain devotion to duty and his behaviour was unbecoming of a government servant. The question whether 'unauthorised absence from duty' amounts to failure of devotion to duty or behaviour

unbecoming of a government servant cannot be decided without deciding the question whether absence is willful or because of compelling circumstances.

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23. We have quoted in extenso as we are disposed to think that the Court in Krushnakant B. Parmar case [Krushnakant B. Parmar v. Union of India, (2012) 3 SCC 178 : (2012) 1 SCC (L&S) 609] has, while dealing with the charge of failure of devotion to duty or behaviour unbecoming of a government servant, expressed the afore stated view and further the learned Judges have also opined that there may be compelling circumstances which are beyond the control of an employee. That apart, the facts in the said case were different as the appellant on certain occasions was prevented to sign the attendance register and the absence was intermittent. Quite apart from that, it has been stated therein that it is obligatory on the part of the disciplinary authority to come to a conclusion that the absence is wilful. On an apposite understanding of the judgment Krushnakant B. Parmar case [Krushnakant B. Parmar v. Union of India, (2012) 3 SCC 178 : (2012) 1 SCC (L&S) 609] we are of the opinion that the view expressed in the said case has to be restricted to the facts of the said case regard being had to the rule position, the nature of the charge levelled against Neutral Citation 2024:JHHC:42189-DB - 17 - LPA No.148/2021 the employee and the material that had come on record during the enquiry. It cannot be stated as an absolute proposition in law that whenever there is a long unauthorised absence, it is obligatory on the part of the disciplinary authority to record a finding that the said absence is wilful even if the employee fails to show the compelling circumstances to remain absent."

17. The disciplinary authority has acted on the basis of the issue laid down by the Hon'ble Apex Court in the case of ***Punjab National Bank & Others Vs. Kunj Behari Misra*** **(supra)** but simultaneously thereto another decision has been taken by converting the period of Medical Leave into Earned Leave.

18. The State has taken the ground that the provision of appeal is there. We are not in dispute that if the statutory appeal is there then appeal is to be preferred by the delinquent employee but appeal against which order is the question, reason being that here in this case there is no difference of opinion shown by the disciplinary authority for the purpose of inflicting punishment rather the inquiry report has been accepted by the disciplinary authority and as such according to the considered view of this court it cannot be said a case to prefer an appeal because the appeal can be filed only against the order of punishment. There is no order of punishment and as such the ground which has been taken on behalf of the State in the counter affidavit to avail the remedy of appeal is therefore rejected out rightly in the facts and circumstances of the present case.

19. The question of applicability of Rule 201 A has also been raised in the counter-affidavit but this court has failed to understand that where is the occasion to take aid of Rule 201A when element of unauthorized absence as per the allegation contained in the memorandum of charge initially was found to be willful but the enquiry officer has not found the absence to be willful rather a conscious finding has been given that the absence was not willful rather it was on the ground of medical exigency.

20. The law is well-settled that a word cannot be inserted in the decision taken by the authority for the purpose of improving the same by way of an affidavit, reference in this regard has been rendered by the Hon'ble Apex Court in the case of **Mohinder Singh Gill and another v. The Chief Election Commissioner, New Delhi and others, [(1978) 1 SCC 405]** at paragraph 8 which reads as under :-

> *"8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to Court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose, J. in Gordhandas Bhanji:*
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> *―Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of 3 explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.‖ Orders are not like old wine becoming better as they grow older."*

21. We are of the view that the fact remains that nothing survives if original order itself suffers from irreparable lacuna. The same cannot be made lawful by subsequent action/development. Reference in this regard may be made to the judgment rendered by Hon'ble Apex Court in **Ritesh Tewari and Another v. State of Uttar Pradesh and Others** [(2010) 10 SCC 677] wherein at paragraph 32 the Hon'ble Apex Court has held as under :-

> *"32. It is settled legal proposition that if an order is bad in its inception, it does not get sanctified at a later stage. A subsequent action/development cannot validate an action which was not lawful at its*

inception, for the reason that the illegality strikes at the root of the order. It would be beyond the competence of any authority to validate such an order. It would be ironical to permit a person to rely upon a law, in violation of which he has obtained the benefits."

22. Therefore, Rule 201A of the Service Code which is now being tried to be taken aid is having no substance since there is no reference of the same in the impugned order and there cannot be a reference because the order which was passed on 20.11.2004 was in the capacity of disciplinary authority and at the moment the absence has been accepted to be not willful rather on the medical ground hence, it was not available to the administrative authority i.e. S.P., Giridih in the administrative side to convert the Medical Leave to that of Earned Leave. If the aforesaid decision will be allowed to be continued then the entire inquiry report will stand diluted and even the acceptance of the inquiry report by the disciplinary authority will also be diluted. There cannot be two decisions by one functionary in different capacity that too based upon one cause of action.

23. The issue of delay in filing the writ petition has also been agitated. It has been informed by the learned counsel for the petitioner that the writ petitioner has already been retired from service.

24. This Court has considered the issue of delay by taking the element of recurring cause of action of a retired employee. The law is well-settled that the principle of delay and laches is not applicable so far as it relates to disbursement of the pension and post-retiral benefit, the reference in this regard has been made in the case of **M.R. Gupta**

Vs. Union of India & Ors [(1995) 5 SCC 628], wherein at paragraph 5, it has been held as under:

> "5.Having heard both sides, we are satisfied that the Tribunal has missed the real point and overlooked the crux of the matter. The appellant's grievance that his pay fixation was not in accordance with the rules, was the assertion of a continuing wrong against him which gave rise to a recurring cause of action each time he was paid a salary which was not computed in accordance with the rules. So long as the appellant is in service, a fresh cause of action arises every month when he is paid his monthly salary on the basis of a wrong computation made contrary to rules. It is no doubt true that if the appellant's claim is found correct on merits, he would be entitled to be paid according to the properly fixed pay scale in the future and the question of limitation would arise for recovery of the arrears for the past period. In other words, the appellant's claim, if any, for recovery of arrears calculated on the basis of difference in the pay which has become time barred would not be recoverable, but he would be entitled to proper fixation of his pay in accordance with rules and to cessation of a continuing wrong if on merits his claim is justified. Similarly, any other consequential relief claimed by him, such as, promotion etc. would also be subject to the defence of laches etc. to disentitle him to those reliefs. The pay fixation can be made only on the basis of the situation existing on 1-8-1978 without taking into account any other consequential relief which may be barred by his laches and the bar of limitation. It is to this limited extent of proper pay fixation the application cannot be treated as time barred since it is based on a recurring cause of action."

25. Further, the Hon’ble Apex Court in the case of **Union of India & Ors Vs Tarsem Singh [(2008) SCC 648]** at paragraph 4 held as under:

> "4.The principles underlying continuing wrongs and recurring/successive wrongs have been applied to service law disputes. A "continuing wrong" refers to a single wrongful act which causes a continuing injury. "Recurring/successive wrongs" are those which occur periodically, each wrong giving rise to a distinct and separate cause of action. This Court in Balakrishna Savalram Pujari Waghmare v. Shree Dhyaneshwar Maharaj Sansthan [AIR 1959 SC 798] explained the concept of continuing wrong (in the context of Section 23 of the Limitation Act, 1908 corresponding to Section 22 of the Limitation Act, 1963): (AIR p. 807, para 31)
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> "31. … It is the very essence of a continuing wrong that it is an act which creates a continuing source of injury and renders the doer of the act responsible and liable for the continuance of the said injury. If the wrongful act causes an injury which is complete, there is no continuing wrong even though the damage resulting from the act may continue. If, however, a wrongful act is of such a character that the injury caused by it itself continues, then the act constitutes a continuing wrong. In this connection, it is necessary to draw a distinction between the injury caused by the wrongful act and what may be described as the effect of the said injury."

26. In the instant case the petitioner since has retired from service and, as such, the period which has now been converted from medical leave to earned leave if allowed to be continued then the same will have the repercussion upon the delinquent employee, reason being, that the earned leave which is to be paid after superannuation of the petitioner will be disbursed in the reduced quantum.

27. This Court considering the aforesaid facts that the recurring cause of action is there hence the ground which has been taken regarding delay and laches is hereby rejected.

28. This Court based upon the aforesaid discussions made herein above is of the view that both the issues are to be answered against the State.

29. Accordingly both the issues are answered.

30. In consequence, the order dated 20.11.2004 by which the Medical Leave has been converted into Earned Leave is hereby quashed and set-aside.

31. The respondent, in consequence of the aforesaid order as referred in the preceding paragraphs, is hereby directed to release the Earned Leave for the aforesaid period along with interest @ 7% per annum from due date till the date of realization.

32. Since this court is passing an order of disbursement of amount of interest which is totally on the basis of the improper decision taken by the S.P.,Giridih and as such the question is why the State will be saddled with the cost of interest if any fault has been committed by the authority, even though, the law is already available in this regard. Since this Court being concerned with the issue of public money, is of the view that the laches committed by the functionary of the State , the State exchequer is not allowed to be saddled with the cost which will be accrued to be paid in lieu of the interest as has been directed herein above.

33. The State is directed to disburse the entire amount along with the interest with a direction to recover the said amount from the then

34. The copy of this order be forwarded to the Principle Secretary (Home) and the D.G.P., Jharkhand to ensure compliance of the issue of

recovery which has been directed to be made from the then S.P., Giridih.

35. The instant writ petition stands disposed of with the aforesaid direction.

36. Pending interlocutory application (s), if any, also stands disposed of.

(Sujit Narayan Prasad, J.)

Date:22/04/2026
KNR/AFR

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