



CGHC010006362006



2026:CGHC:39218

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP No. 326 of 2006

- Rakesh Kumar Tekam, Ex-RT/GD No. 03506167 CRPF, S/o Jasal Ram Tekam, Aged about 30 Years, R/o Village & Post Belmand, Tahsil – Balod, Distt. : Durg, Chhattisgarh

... Petitioner(s)

versus

1. Union Of India, Through- Directorate General, Central Reserve Police Force, Ministry of Home Affairs, Block No. 13, CGO's Complex, Lodhi Road, New – Delhi -03
2. Inspector General of Police, Special Sector, CRPF Old Sectt, Block No. 11, New- Delhi.
3. Additional Deputy Inspector General of Police, Central Reserve Police Force, New RTC Group Centre, Bagarsia Bhopal – MP 462026
4. Company Commander (Admn.), Central Reserve Police Force, New RTC Group Centre, Bagarsia Bhopal – MP 462026

... Respondent(s)

For Petitioner	: Mr. Sandeep Dubey, Advocate
For Respondents	: None.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07.09.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

“7.1 That, Hon'ble Court may kindly be pleased to direct the Respondents to produce the entire records relating to the case of the Petitioner;

7.2 That, Hon'ble Court may kindly be pleased to issue writ of certiorari to quash the orders dated

10-2-2004 (Annexure P-6) 13-3-2004 (Annexure P-5) passed by Respondent No. 3 and appellate order dated 2-12-2004 (Annexure P-8) passed by respondent No.2 by which the appeal of the Petitioner has been rejected;

7.3 That, Hon'ble Court may kindly be pleased to direct the Respondents to allow the Petitioner to join duty from the date on which he was declared fit i.e. 25.03.2004 along with all consequential benefits;

7.4 Any other relief, which Hon'ble Court deems fit, and proper in the circumstances of the case and petition may kindly be allowed with costs.”

2. Facts in brief are that the petitioner was enlisted in Group Center, Central Reserved Police Force (CRPF) Bhopal as Constable(GD) on 30.06.2003. He was sent to Group Center Bhopal Hospital for treatment and further referred to Hamidia Hospital Bhopal. During the treatment, it was found that the petitioner was suffering from mental disorder since long. On 20.01.2004, he was referred to Base Hospital-II, CRPF Hydrabad. Vide letter dated 03.02.2004, it was opined that the petitioner was suffering from mental disorder prior to enlistment in the CRPF and he was taking treatment from private hospital since March, 2003. In view of the disease the petitioner was suffering, it was opined that the petitioner was not fit for active combat duties. The petitioner was served with one month notice under the provisions of Rule 5(1) of Central Civil Services (Temporary Service) Rules, 1965 (for short “Rules of 1965”) on 10.02.2004. The petitioner deserted from camp on 11.03.2004 before completion of one month without informing his superior authorities. On account of this desertion, an FIR was lodged on 12.03.2004. The services of the petitioner were terminated from force with effect from 13.03.2004.

3. The petitioner challenged said order by filing an appeal, which was dismissed vide order dated 02.12.2004 and against said order this petition has been preferred.
4. Learned counsel for the petitioner would argue that the petitioner was a regular appointee under the respondents, and therefore, an inquiry ought to have been conducted before inflicting major penalty. He would contend that the petitioner was treated as temporary employee, whereas, he was appointed against sanctioned and vacant post of Constable (GD). He would contend that as the petitioner was suffering from mental disorder, therefore, the respondent authorities should have provided proper treatment to the petitioner instead of passing an order of removal. He would submit that the action of respondent authorities is illegal, arbitrary, discriminatory and contrary to the provisions of Rules of 1965. He would pray to allow this petition.
5. Though there is no representation on behalf of respondent authorities, but return has been filed. In return, it is pleaded that the petitioner was enlisted in CRPF and he was sent for treatment in Group Center Bhopal Hospital and further referred to Hamidia Hospital, Bhopal. During the treatment, it was found that the petitioner was suffering from mental disorder since long, and subsequently, he was referred to higher center in Hyderabad. It is also pleaded that the petitioner was under continuous treatment in a private hospital at Durg prior to date of his enlistment. The competent authority looking to the medical condition of the petitioner opined that individual was not fit for active combat duties and would not be an effective member of the force and decision was taken to terminate the services of the petitioner according to

Rule 5 (1) of Rules, 1965.

6. I have heard Mr. Dubey at length and perused the documents placed on record.
7. The petitioner has not disputed his medical condition and documents placed on record. It is also not in dispute that the petitioner was appointed on the post of Constable (GD) temporary.
8. Rule 5(1) of Rules, 1965 reads as under :-

“5. Termination of temporary service.

(1) (a) The services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;

(b) the period of such notice shall be one month.

Provided that the services of any such Government servant may be terminated forthwith and on such termination, the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services, or as the case may be, for the period by which such notice falls short of one month.

NOTE:- The following procedure shall be adopted by the appointing authority while serving notice on such Government servant under clause (a).

(i) The notice shall be delivered or tendered to the Government servant in person.

(ii) Where personal service is not practicable, the notice shall be served on such Government servant by

registered post, acknowledgement due at the address of the Government servant available with the appointing authority.

(iii) If the notice sent by registered post is returned unserved it shall be published in the Official Gazette and upon such publication, it shall be deemed to have been personally served on such Government servant on the date it was published in the Official Gazette.”

9. Bare reading of above quoted provision would make it clear that services of a temporary Government servant can be terminated at any time by a notice in writing, issued by the appointing authority and period of notice shall be one month. The appointing authority has to serve notice upon the Government servant in person or through registered post acknowledgment due at the address of the Government servant. If the notice sent by registered post is returned unserved it shall be published in the Official Gazette and after expiry of period of 30 days, the services of the Government servant would be treated terminated.
10. In the present case, the petitioner was served with a notice under Rule 5 of the Rules, 1965 on 10.02.2004 as pleaded in return and this fact has not been refuted by way of rejoinder.
11. The decisions was taken by the respondent authorities in accordance with the provisions of Rule 5 of the Rules, 1965 looking to the medical condition of the petitioner and order passed by the disciplinary authority was affirmed by the appellate authority.
12. Having considered the above-discussed facts, I do not find any good ground to interfere with the orders passed by the disciplinary authority as well as appellate authority.

13. Accordingly, this petition fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Siddhant