

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6084 of 2000

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Sachindra Singh, Son of Late Dip Narayan Singh, Resident of Village Sunderpur Kuriya, P.O. Balaghat, Baluauan, via- Balvania, P.S. Muffasil, District Bhojpur (Arrah).

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General-cum-Inspector General of Police, Bihar, Patna.
3. The A.I.G. of Police (Welfare), Bihar, Patna.
4. The D.I.G. of Police, Rail, Bihar, Patna.
5. The Superintendent of Police, Rail, Muzaffarpur.
6. Rail I.G. of Police, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Hriday Prasad, Advocate

For the State : Mr. Sanjay Mandal, A.C. to S.C.-6

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 23-04-2015

Heard learned counsel for the petitioner and the
learned counsel for the State-respondents.

2. The petitioner was a Constable in Rail Police. He remained absent from duty and after putting him under suspension a departmental proceeding was initiated for the alleged unauthorized absence. On 01.07.1994 the final order was passed by the disciplinary authority dismissing the petitioner from service. The matter ultimately came before this Court in CWJC No. 5723 of 1998 filed by the petitioner. This Court after hearing the parties by order dated 24.09.1999 (Annexure-9) disposed of the writ application remitting the matter to the Director General-cum-Inspector General of Police, Bihar, Patna to reconsider the quantum of punishment by



passing a reasoned order taking into account the gravity of the charges levelled against the petitioner and the order of punishment inflicted on other similar situated persons. This Court in the said order has taken into notice the order passed in similar circumstances in other writ application. The petitioner was also granted liberty to submit his representation in detail. Accordingly, the petitioner submitted his representation on 03.01.2000 before the Rail S.P., Muzaffarpur.

3. The Director General-cum-Inspector General of Police, Bihar, Patna in pursuance to the direction of this Court as above reconsidered the quantum of punishment awarded to the petitioner and by the impugned order dated 11.02.2000 (Annexure-11) has come to the conclusion that the charges levelled against the petitioner were serious and, therefore, there was no need and scope for varying or modifying the punishment of dismissal in the facts and circumstances of the case.

4. The learned counsel for the petitioner has submitted that the respondent D.G.P. has simply narrated the earlier facts and has not applied his mind in view and terms of the direction of this Court. It has been canvassed by the learned counsel for the petitioner that the petitioner has already explained his absence from duty on the ground of illness of his daughter as well as accident of his son and in that view of the matter the respondent D.G.P. was required to keep

the same also within consideration. It has further been submitted by the learned counsel for the petitioner that instead of passing the extreme punishment of dismissal, the D.G.P. should have considered to pass the punishment of compulsory retirement which was appropriate in the facts and circumstances of the case.

5. The learned counsel for the State-respondents however, has contested the submissions made on behalf of the petitioner and has supported the impugned order.

6. From perusal of the records including the impugned order and after considering the submissions, it is manifest that the allegations against the petitioner were unauthorized absence from duty and disobedience of the orders of the superior authorities. It is not in dispute that the petitioner was in police force and higher level of discipline is required to be maintained in such service. It appears by order dated 09.11.1993 that the petitioner was directed to report at Muzaffarpur Police Camp but he did not report there and on 23.11.1993 he reported for joining at Rail Police Station, Siwan. Again it appears that on 25.11.1993 after placing him under suspension, he was directed to join at Police Line, Muzaffarpur but the petitioner did not report at Muzaffarpur in accordance with the said direction, remained absent and after a lapse of nearly 1½ years he reported on 29.06.1994 at Muzaffarpur. There is absolutely no explanation in this regard for his unauthorized absence. It further

appears that the show-cause notice against the proposed punishment was received by the petitioner on 16.06.1994 but he did not choose to file reply. The order of punishment was passed on 01.07.1994. In the backdrop of these facts, the D.G.P. has decided to maintain the earlier order of dismissal of the petitioner from service. It also appears from the impugned order that the D.G.P. has taken into notice the orders passed in different cases, i.e., case of Vishwanath Singh, Ramdeo Singh and Chandan Kumar Jha etc. and after considering those cases the impugned order has been passed.

7. It is well settled that in matters concerning departmental proceeding, the judicial review is confined to the irregularity and illegality of the proceeding and interference with the discretion exercised by the authorities is normally not allowed. In the present case, this Court has not been persuaded to hold that the impugned order passed by the D.G.P. is perverse in any manner.

8. For the aforesaid reasons, this writ application is dismissed.

(V. Nath, J.)

Sanjay/N.A.F.R.

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