

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6143 of 2010

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Rama Shankar Singh @ R.S.Singh, S/O Late Grisha Nand Singh, R/O
Village - Fhatepur, P.S - Raghopur, District - Vaishali,

.... Petitioner

Versus

1. The Union Of India Through The Ministry Of Home Affairs New Delhi.
2. The D.G., C.I.S.F., C.I.S.F. Head Quarter New Delhi.
3. The I.G., C.I.S.F., Eastern Sector Patna.
4. The D.I.G., C.I.S.F., Unit C.C.L. Kargali District, Bokaro.
5. The Senior Commandant, C.I.S.F., Unit C.C.L. Kargali District, Bokaro.
6. The Deputy Commandant (B & K) Area, C.I.S.F., Unit C.C.L. Kargali District, Bokaro.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir, Adv.

For the Respondent/s : Mr. Anshuman Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 13-05-2015 Heard learned counsel for the parties as with regard to the
following prayer made in this writ application:

“That this is an application for issuance of an appropriate writ, order or direction for quashing order contained in letter No. 15015/2001 B and K/C C.L.(K)/R.S.S./An Aa/09-761 dated 24.9.2009 issued by Deputy Commandant (B and K) Area C.I.S.F., C.C.L. Kargali whereby petitioner has been imposed punishment of stoppage of one yearly increment for one year with cumulative effect and for quashing the order in appeal passed by Senior Commandant C.I.S.F. Unit C.C.L./Kargali vide order No. 15022/ C.C.L./A (Ni-37)/ R.S.S./Anu/ 09, 9133 dated 3rd December 2009 whereby the appeal preferred by the petitioner has been rejected and also for quashing the order No. S.Vi-1501-9/C.C.L./Ri Vi (Ni-37)/ M.S.A./Anui/10-485 dated 29.1.2010 whereby

the revision of the petitioner has been rejected by Deputy Inspector General C.I.S.F. unit C.C.L. Kargali and for a further direction for quashing the order passed by I.G., C.I.S.F. Eastern Sector Patna in merely appeal if adverse preferred by the petitioner with all consequential benefits or for any other order or orders which this Hon'ble Court may deem fit and proper under the circumstances of the case.”

Having regard to the only submission made by the learned counsel for the petitioner in support of the aforementioned prayer that the order of punishment is disproportionate, this Court having taken regard to the nature of misconduct committed by the petitioner as also the restriction laid down by the Apex Court in the case of B.C.Chaturvedi v. Union of India & ors., reported in (1995)6 SCC 749, would find it difficult to interfere with the quantum of punishment as this Court does not find the same to be shockingly disproportionate to the alleged misconduct.

In fact this aspect has also been fully explained in the counter affidavit filed by the learned counsel for the respondents making misconduct to appear in fact very serious.

That being so, this application must fail and is hereby dismissed.

(Mihir Kumar Jha, J)

surendra/-

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