

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 129 of 2013

IN

Civil Writ Jurisdiction Case No 1110 of 1998

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Lalan Paswan S/O Bhola Paswan R/O Village- Deodha P.O.- Mahanandpur, P.S.-
Deep Nagar, Dist.- Nalanda

.... Appellant/s

Versus

1. The Union of India through Department Of The C.R.P.F.
2. The Additional D.I.G., C.R.P.F. Muzaffarpur near L.S. College Muzaffarpur
3. Commandant (Principal) C.R.P.F. Training College Pallipuram, Trivandrum Kerala

.... Respondent/s

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For the Appellant/s : Mr Shyama Prasad Mukherjee, Sr Advocate

For the Respondent/s : Mr Sanjay Kumar, ASG

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 01-05-2015

Heard Shri Shyama Prasad Mukherjee, the learned
Senior Counsel for the appellant and also the learned counsel for the
Union of India.

The appellant in this intra-Court appeal was the writ
petitioner. Appeal was filed after a delay of more than a year. IA No
829 of 2013 has been filed for condonation of delay. The only ground
given is that the appellant-writ petitioner was not aware that his writ
petition has been dismissed ex parte and on coming to know, he filed
the appeal. This is not correct as per his own averment. He knew
about the dismissal in the second week of November, 2012. Certified
copy was obtained on 23.11.2012 but inspite of that, the appeal was
filed on 01.02.2013.

We, therefore, find no reason to condone the delay.

We would, however, not rest the dismissal merely on that technicality.

By the writ petition, petitioner, who had recently been recruited as a Constable in CRPF, had challenged his order of dismissal. The writ petitioner-appellant does not deny that he had taken leave for 10 days because of demise of his wife. He was then granted 10 days extension. He then sought further leave on ground of his illness. He was duly informed that he must report back to duty. He did not forthwith report. His father was also informed. He came, joined duty and then escaped. Again, information was sent and after some persuasion, he returned and he was confined to the Lines for a week. He again escaped after three days without any intimation to any authority. Ultimately, it is for these conducts that he has been dismissed from service.

Considering that petitioner-appellant was a member of uniformed service and these basic facts not being denied, we are not persuaded to exercise our discretion to entertain the writ petition. It is dismissed.

Accordingly, the Letters Patent Appeal stands dismissed.

(Navaniti Prasad Singh, J)

(Rajendra Kumar Mishra, J)

M.E.H./-

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