

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1477 of 2012

IN

Civil Writ Jurisdiction Case No. 11392 of 2006

Constable Dinesh Pal Singh, Constable No. 9430024, C.R.P.F. 95, aged about 40 years, S/O Sri Ram Swaroop Singh, R/O Village- Hajrat Pur Puthari, Post Office- Athora, District- Buland Sahar, U.P.

.... Appellant

Versus

1. The Union of India through Ministry of Home Affairs, North Block, New Delhi
2. Director General, Central Reserve Police Force, Head Quarter at C.G.O. Complex, Lodhi Road.
3. Inspector General of Police, Bihar Sector, C.R.P.F., Patna
4. Dy. Inspector General of Police, C.R.P.F., Muzaffarpur
5. Commandant, Battalion 95, C.R.P.F. Police Line, Nagaown (Assam), At Present at Jammu.

.... Respondents

Appearance :

For the Appellant/s : Mr. Vijay Shankar Tiwary, Advocate

For the Respondent/s : Mr. Sanjay Kumar, A.S.G.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 20-08-2015

Heard learned counsel for the appellant, who is the writ petitioner. While there is delay of over three years in filing this appeal, the delay is condoned.

We have heard learned counsel for the appellant as well as learned counsel for the Central Government.

The writ petitioner was a constable in C.R.P.F., a uniform service, while posting at Assam, he escaped from Commanding Headquarters and came in a village and was

found with prostitutes. He was brought to the Commanding Office by the villagers, who were shocked by his conduct. He was also fighting with the villagers in intoxicated stage. The Commandant exercised his power of the Chief Judicial Magistrate, found him guilty of gross-misconduct and sentenced him to eight days imprisonment. Having found guilty and sentenced, which was not challenged by the writ petitioner/appellant, hence, attained finality. He has been dismissed from service. His appeal and filing revision both were dismissed. The learned Single Judge also, upon consideration of facts, dismissed the writ petition.

In view of the facts as noted above, we are not inclined to interfere especially when it is a question of uniform service, such indiscipline is not to be tolerated. The appeal merits no consideration. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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