

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.383 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 5098 of 2007**

=====

Bharat Singh Son of Sri Shobh Nath Singh Resident of Village - Phuhan, Police
Station - Barahara, District - Bhojpur

.... Appellant/s

Versus

1. The Union of India
2. The Inspector General, Bihar Sector, C.R.P.F., Khazpura, Bailey Road, Patna -
25, Bihar
3. The Deputy Inspector General, C.R.P.F., Muzaffarpur
4. The Commandant, 87 Battalion, C.R.P.R., Chhatisgarh
5. The Additional D.I.G., Group Centre, C.R.P.F., Muzaffarpur

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Girish Chandra Jha, Advocate.
For the Respondent/s : Mr. Sanjay Kumar, ASG
Mr. Anjani Kumar Sharan, CGC

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and**

**HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-07-2016

The order dated 11.09.2013 passed by the learned Single Bench is the subject matter of challenge in the present Letters Patent Appeal. By the impugned order, the order of punishment modified by the appellate authority and affirmed by the revisional authority to that of reduction of pay by three stages was not interfered with by the learned Single Bench.

The appellant was chargesheeted for remaining on unauthorized absence from 17.06.2004 to 15.10.2004 i.e., 121 days.



After conducting regular departmental inquiry, an order of removal was passed by the disciplinary authority. The appellant filed an appeal which was partly accepted and the punishment of reduction of pay by three stages in present time scale for a period of three years; as well as intervening period from the date of removal to the date of restatement be treated as "*dies non*" which will not entail any service break and also that over stayed period was ordered to be regularized.

The learned Single bench has found that there is no error in the decision making process as the petitioner has participated in the proceeding. The order of removal has already been modified by the appellate authority and approved by the revisional authority. Therefore, the Court found no ground for interference in the writ jurisdiction.

In the present Letters Patent Appeal, the sole argument of learned counsel for the appellant is that the defence of the appellant was not taken into consideration by the disciplinary authority. However, a perusal of the enquiry report (Anenxure-1) shows that the entire evidence including the defence of the appellant has been considered while submitting the enquiry report. The charges have been found to be proved against the appellant. On the basis of such charges, the order of removal was passed by the disciplinary authority but such order of removal has since been substituted as that

of reduction in pay for a period of three years.

We do not find any merit in the argument that the defence of the appellant has not been considered. In exercise of power of judicial review only decision making process is required to be examined. There is no allegation of any violation of the principles of natural justice or the statutory rules.

Therefore, we do not find any ground to interfere with the order passed by the learned Single Bench. The Letters Patent Appeal accordingly, stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Ravi

U			
---	--	--	--