

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.241 of 2015

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1. Umesh Paswan son of Sri R.G. Paswan (Ram Gulam Paswan) resident of village Harizan Kalyan Tola, P.O.+P.S.- Bariarpur District- Munger

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Director General cum Inspector General of Police, Bihar, Old Secretariat, Patna
3. The I.G., Bhagalpur Zone, Bhagalpur
4. The D.I.G. of Police Bhagalpur Range, Bhagalpur
5. The S.P. Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Adv.
Mr. Prashant Kumar Choudhary, Adv.

For the Respondent/s : Mr. Sandeep Kumar, GA 8
Mr. Kumar Ravish, A.C. to G.P.1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-08-2016

Heard Mr. Ram Hriday Prasad learned counsel for the petitioner and Mr. Kumar Ravish A.C. to G.P.1 for the State.

The petitioner is an Ex-Constable aggrieved by the order dated 14.9.2001 passed by the Superintendent of Police, Bhagalpur whereby he has been dismissed from service and which order was affirmed in appeal by the Deputy Inspector General, Bhagalpur Range vide order dated 16.1.2002 and also by the Director General of Police vide order passed on 8.6.2011. In between the petitioner had preferred memorial which was dismissed on 30.12.2003 by the Inspector General of Police, Bhagalpur Zone and which order was questioned by the



petitioner in C.W.J.C.No.4473 of 2004. The order of the Inspector General dated 30.12.2003 was quashed and the matter remitted to the Director General of Police who has thereafter passed the order dated 8.6.2011 impugned at Annexure-6. The order of dismissal, order passed by the appellate authority and the rejection of memorial are impugned at Annexures-3, 4 and 6 to the writ petition.

The charge against the petitioner is very serious and is enclosed at Annexure-1 which charges the petitioner of abusing the Superintendent of Police in a state of intoxication but within the sense of appreciating his acts. The charge led to enquiry and the report is present at Annexure-3 and holds the petitioner guilty. The report was considered by the disciplinary authority and affirmed leading to his dismissal vide order passed on 14.9.2001 which is affirmed by the superior authorities vide Annexure-4 and 6 respectively. The petitioner feeling aggrieved is before this Court.

Mr. Prasad learned counsel for the petitioner has questioned the proceedings on grounds of denial of reasonable opportunity as also the quantum of punishment.

I have heard learned counsel for the parties and have perused the records.

In my opinion, the substance of charge and the enquiry which has resulted in the report present at Annexure-C does not require any



interference either on procedural imperfection or on grounds of disproportionate punishment. The petitioner being a member of a uniformed service is expected to act within disciplinary limits and there cannot be a better instance of indiscipline where the petitioner in a state of intoxication abuses his senior. The evidence recorded by the Enquiry Officer as well as the medical report confirms the charges. The petitioner does not choose to contest or cross-examine the departmental witness nor questions the medical report rather requested for examination of another constable. The Enquiry Officer in appreciation of the evidence on record has confirmed the charges. The disciplinary authority has passed the order of dismissal on appreciation of the materials on record which opinion is affirmed by the superior authorities.

Considering the seriousness of charge and the evidence on record, I am not persuaded to grant indulgence to the orders impugned.

The writ petition is dismissed.

(Jyoti Saran, J)

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