

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.132 of 2016
IN
Civil Writ Jurisdiction Case No. 11590 of 2007**

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Shailendra Kumar Singh son of Ram Surat Singh of village - P.O. Nathwalpur
District Bhojpur.

.... Appellant

Versus

1. The Union of India through Secretary, Ministry of Home Affairs, Delhi.
2. The Director General, CISF, North Block - 13, CGO Complex, Lodhi Road, N. Delhi.
3. The Inspector General, CISF, E. Sector, N. Patliputra, Patna.
4. The D.I.G. of Police, CISF, RSP Rourkela - II (Orissa).
5. The Commandant, R.S.P. Unit, Rourkela (Orissa).

.... Respondents

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Appearance :

For the Appellant : Mrs. Nirmala Kumari, Advocate
For the Respondents : Mr. S.D Sanjay (ASG)
Mr. Rakesh Kr. Sinha, CGC

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 30-11-2016

The order dated 2nd of September, 2013 passed by the learned Single Bench in CWJC No. 11590 of 2007 is the subject matter of challenge in the present Letters Patent Appeal. The learned Single Bench has not interfered with the order of removal from service passed by the Commandant, Central Industrial Security Force (hereinafter referred to as "CISF") on 20th of October, 2001 and the order passed in the Appeal on 8th of February, 2002 as well as the order passed in revision filed before the Inspector General, CISF on 7th of June, 2005.



2. The appellant was proceeded against departmentally for overstay of his leave for a period of 84 days. On the basis of proved charge of overstay, the order of removal was passed and affirmed in the appeal and revision. The appellant invoked the jurisdiction of this Court on the ground that the punishment imposed upon him is disproportionate to the misconduct and that in similar circumstances, other officials of the said organization have been dealt with in different manner.

3. We have heard learned counsel for the parties and find no merit in the present Letters Patent Appeal.

4. Learned counsel for the appellant fairly did not raise any argument in respect of any infraction of the decision making process before imposing punishment of removal. The only argument is that the punishment is disproportionate to the misconduct.

5. In exercise of power of judicial review against the disciplinary proceeding, this Court examines the decision making process and not the decision. In absence of any illegality in the decision making process and in the absence of shocking disproportionate punishment, we do not find that the quantum of punishment warrants interference.

6. The appellant is a member of the disciplined force i.e. Central Industrial Security Force. If a member of such force abstains



from duty for 84 days, it is a serious misconduct on his part which cannot be tolerated in the disciplined police force.

7. In view of the above, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

B.T/-

(Vikash Jain, J)

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