

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.278 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 834 of 2014**

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Devendra Prasad, Ex- Constable CISF S/O Sri Surendra Prasad, Resident of
Village- Bari Mazgaon, P.S.- Havelikadagpur, District- Munger

.... Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Govt. Of India New Delhi
2. The Inspector General, Central Industrial Security Force, Eastern Zone Head Quarter, Boring Road, Patna- 800013
3. The Dy. Inspector General, Central Industrial Security Force, Eastern Zone, Head Quarter, Patliputra, Patna- 13
4. The Senior Commandant Central Industrial Security Force Unit Nalco, Angul, P.O.- Nalco Nagar, District- Angul (Orissa)
5. The Asst. Commandant/Fire Central Industrial Security Force Unit Nalco, Angul, Orissa

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhanu Pratap Singh, Advocate.

For the Respondent/s : Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 22-06-2016

The order dated 20.01.2014 is the subject matter of challenge in the present Letters Patent Appeal. By the aforesaid order, the challenge to the order of dismissal of the appellant passed by the Senior Commandant, CISF Unit, NALCO, Angul dated 11.10.2012 as affirmed by the Deputy Inspector General, CISF, Eastern Zone, Hq. on 24.12.2012 and that of the revisional order passed by the Inspector General, CISF, Eastern Zone, Hq. Patna dated 07.11.2013, remained unsuccessful.

The proved misconduct in the disciplinary proceeding is that of the second marriage during the life time of his legally married wife. Once, the charge of second marriage stands proved, the normal consequence is the removal from service, as the appellant is the member of the disciplined force. It is not disputed that the conduct rules governing the service conditions of the appellant prohibit solemnization of second marriage during the life time of the first legally married wife. Since, there is violation of conduct rules, therefore, imposition of penalty of removal from service was not found to be disproportionate.

We do not find any error in the order passed by the learned Single Bench, which has not interfered with the order of punishment passed by the disciplinary authority and affirmed by the appellate authority as well as revisional authority. Thus we do not find any merit in the present Letters Patent Appeal as well. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar

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