

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1298 of 2013

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1. Jai Krishna Pati Tripathi Son of Late Jagdish Pati Tripathi Resident of Village-
Pranpur, P.S.- Kotwali, District- Deoria

.... Petitioner/s

Versus

1. The Director General, Central Reserve Police Force, New Delhi
2. The Inspector General, Central Reserve Police Force, Bihar Sector, Patna
3. The Deputy Inspector General, Central Reserve Police Force, Muzaffarpur
4. The Commandant, 95bn, Central Reserve Police Force, Varanasi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

For the Respondent/s : Mr. Sanjay Kumar, ASG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-10-2016

Heard Mr. Abhinav Srivastava, learned counsel for the
petitioner and Mr. Sanjay Kumar learned Assistant Solicitor General
for the Union of India.

With the consent of the parties, the matter has been considered
with a view to its final disposal at the admission stage.

The petitioner, a constable with the Central Reserved Police
Force in its 95th Battalion is aggrieved by the order dated 19.1.2012
passed by the Inspector General, Bihar Sector, C.R.P.F. Patna
whereby the revision filed by the petitioner has been dismissed thus
upholding the order dated 14.2.2011 passed by the Deputy Inspector
General of Police whereby the appeal filed by the petitioner was
dismissed upholding the punishment order dated 25.2.2008

whereunder the petitioner has been reverted to the post of Constable General Duty for a period of three years from the date of issuance of order with further stipulation of not retaining his seniority on the expiry of the period of punishment. The punishment order further stipulates that the petitioner would not be entitled to any salary and allowances except the subsistence allowance for the period under suspension.

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

Although passionate arguments have been advanced by Mr. Abhinav Srivastava to question the orders on merits as well as on its quantum but having heard learned counsel for the parties and considering the materials on record, I do not feel persuaded enough to interfere with the punishment order as affirmed by the superior authorities on any account. The chargesheet dated 22.2.2007 is annexed at Annexure-2 and makes rather a serious charge on the petitioner of abusing and insulting his senior in an inebriated stage. The petitioner is also charged with indulging in altercation with another constable and in trying to load his service carbine. All these acts have taken place when the battalion was under movement and the train was stationed at the Jammu Tawi Railway Station on 6.1.2007 at 2300 hours. The enquiry report is at Annexure-6 and a cursory glance

thereon leaves nothing for speculation that the petitioner has crossed all limits as a member of a disciplined force. The misconduct is writ large and in view of the oral evidence on record of the enquiry report, the punishment awarded to the petitioner could not have been more reasonable.

In the nature of the charges levelled against the petitioner which is fully supported by the evidence on record, the punishment order as affirmed by the superior authority do not call for interference either on merits or on quantum. The writ petition is dismissed.

(Jyoti Saran, J)

Bibhash/-

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