

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT APPEAL No.89 of 2016

JUDGMENT: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

However, much we might sympathise, the facts of the case stand out very clearly and they are loaded heavily against the petitioner/appellant. It appears he was engaged in Central Reserve Police Force, an armed force during September 1994 in one of its unit at Chandrayangutta, Hyderabad. For about 11 years, he served the CRPF at one station or the other including posting at Jammu and Kashmir. He appears to have proceeded on leave on 04.10.2005 for a period of 60 days and that was expired on 04.12.2005. The petitioner/appellant never reported to duty thereafter. For the first time on 08.11.2015, he submitted a representation showing anxiety to join duty back. On the ground that the said representation is not considered immediately, W.P.No.40680 of 2015 was instituted. The learned Single Judge has dismissed the said writ petition at the admission stage by passing a detailed order. Learned Single Judge has clearly noted that for 10 long years the writ petitioner has not explained as to the reasons why he did not report for duty. CRPF being an armed force of the Union of India requires utmost discipline and devotion to be shown towards the duty by one and all, of the force. Keeping that aspect of the case in mind and also keeping in view the principle enunciated by the Supreme Court in **Chennai Metropolitan Water Supply and Sewerage Board and others Vs. T.T.Murali Babu**^[1], wherein the Supreme Court has categorically held that a Court is not expected to show indulgence to the cause of indolent persons where inordinate and unexplained delay occurs in asserting the rights by a party, no indulgence shall be shown and the writ petition should be thrown out only on that ground. Hence, the learned Single Judge has dismissed the writ petition.

Heard Sri Pandu, learned counsel for the petitioner and Sri B.Narayana Reddy, learned counsel for the respondents.

Sri Pandu would urge before us that the writ petitioner/appellant is not interested in claiming any benefits for the period of his absence from duty, but, however, if he is reinstated right now he is willing to serve in any unit of CRPF including hard terrain units in Jammu & Kashmir also. He, therefore, seeks our indulgence.

What is relevant for us to notice is that the absence from duty by the petitioner beyond December 2005 remained wholly unexplained. We were left wondering as to whether the petitioner could have been gainfully employed elsewhere as otherwise, it will be so difficult for any one to go through the motions of life over a decade period without there being a regular source of sustenance. Therefore, the petitioner/appellant, by his absence firstly and secondly, by not explaining the reasons and circumstances which forced him to stay away from duty for 10 long years, cannot seek any compassionate view to be taken by us at this stage. Further, when we deal with the armed forces such as CRPF what is of paramount consideration is the devotion to the duty. In armed forces, in particular, one cannot bear indiscipline or lack of 100% devotion to duty. The reasons are not far to seek; lack of devotion on the part of one man can lead to deadly consequences upon the others. Therefore, looked at from any perspective, we do not find any justifiable reason to take a different view than the one taken by the learned Single Judge.

Hence, the writ appeal is dismissed.

Consequently, miscellaneous petitions, if any shall stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE Dr. B.SIVA SANKARA RAO

01.03.2016
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[\[1\]](#) (2014) 4 SCC 108