

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1394 of 2013

In
Civil Writ Jurisdiction Case No.9031 of 2008

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Jagbir Singh, aged about 41 years, S/o Sri Hiral Lal R/O Gali No. 30/B, Swatnatra Nagar, Near Bharat Mata Mandir, Narela, Delhi-40, and permanent Resident of Village- Saidpur, P.S.- Kharkhoda, District- Sonapat, Haryana

... .. Appellant/s

Versus

1. The Union of India through Secretary, Ministry of Home Affairs, North Block, New Delhi
2. The Director General, Central Industrial Security Force, Ministry of Home Affairs, North Block, New Delhi
3. Inspector General, Central Industrial Security Force, Eastern Zone Headquarters, C.I.S.F. Office Complex, Patliputra, Boring Road, Patna
4. Deputy Inspector General, Central Industrial Security Force, Eastern Zone Headquarters, C.I.S.F. Office Complex, Patliputra, Boring Road, Patna
5. Commandant, Central Industrial Security Force, Unit BALCO, Korba, P.S. & District- Korba (Chhattisgarh)
6. Assistant Commandant-Cum-Inquiry Officer (Sri Raj Singh Khandsia) Central Industrial Security Force Unit, BALCO, Korba, P.S.& District- Korba (Chhattisgarh)

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Sinha, Advocate Mr. Arvind Kumar Sharma, Advocate Mr. Chetan Kumar, Advocate
For the Respondent/s	:	Mr. Anshuman Singh, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-11-2017

Having heard learned counsel for the parties at length, we are of the considered view that on account of over stay of leave to about 272 days the impugned action taken has not been interfered with by the learned Writ Court on account of the fact that in the matter of quantum of punishment interference



in a proceeding under Article 226 of the Constitution of India is not permissible.

We see no error in the same warranting reconsideration. At the same time, on going through the record, we find that the appellant has given certain justification for his absence and if the said justifications are correct, the authority of the department can always reconsider the matter and to the extent of imposing the punishment can pass appropriate order. This jurisdiction is always vested with the administrative authorities of the department and in the facts and circumstances of the case, we deem it appropriate to grant an opportunity to the appellant to submit an appeal to the competent highest authority of the department who may re-examine the claim of the appellant limited to the extent of modification of the punishment order or interfering with the quantum of punishment and take a decision on his appeal presented by virtue of the liberty granted to him by this order and decide it by a speaking order within a period of 60 days of its presentation. Needless to emphasize that we have only remanded the matter back to the competent authority for reconsideration and have not expressed any opinion on the merits of the contentions advanced.

With the aforesaid, the Letters Patent Appeal stands



disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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