

Yadav Krishna Mohan, Force No.065208449, son of Shri Ram Vilas Yadav,
resident of village- Chakri, P.S. Darauli, District- Siwan

.... Petitioner

Versus

1. The Union of India through the Secretary, Department of Home, New Delhi
2. The Director General of Police, Central Reserved Police Force, C.G.O. Complex, New Delhi
3. Inspector General of Police, B/Sector, Central Reserved Police Force, Digha, Patna
4. Deputy Inspector General of Police, Group Centre, Central Reserved Police Force, Muzaffarpur, Bihar
5. Additional Deputy Inspector General of Police, Muzaffarpur, Bihar

.... Respondents

For the Petitioner/s : Mr. Vinay Kirti Singh, Sr. Adv.
Mr. Akhileshwar Singh

For the Respondent/s : Mr. Sanjay Kumar, A.S.G.
Mr. Anjani Kumar Sharan

10 26-04-2017 Heard Sri Vinay Kirti Singh, learned Senior
Counsel, assisted by Sri Akhileshwar Singh, learned counsel for
the petitioner and Sri Sanjay Kumar, learned Assistant Solicitor
General assisted by Sri Anjani Kumar Sharan, learned Central
Government Counsel.

2. The petitioner had earlier approached this Court, invoking its writ jurisdiction under Article-226 of the Constitution of India, with a prayer for issuance of writ of certiorari to quash a letter no.P.VIII-1/2009-E.C.-II dated 27.02.2009 issued under the signature of the Deputy Inspector



General of Police, Group Centre, Central Reserved Police Force(hereinafter referred to as “C.R.P.F.”), Muzaffarpur (Annexure-19 to the writ petition). The said communication was issued in the light of sub rule (1) of Rule 5 of Central Civil Services (Temporary Service) Rules, 1965, whereby one month notice was given to the petitioner for his termination. During pendency of the writ petition, since pursuant to one month notice , the order of termination was passed vide office order dated 26th March,2009, the petitioner filed an Interlocutory Application vide I.A. No.8106 of 2012 with a prayer to allow the petitioner to amend the prayer in the writ petition to the extent of quashing of order dated 26th March,2009, which was brought on record as Annexure-22 to the Interlocutory Application. By order dated 22.03.2017 after hearing learned counsel for the parties, it was directed to treat the Interlocutory Application as part of the writ petition.

3. As per writ petition, the petitioner was appointed as GD Constable after following the selection process vide letter dated 02.05.2006. Thereafter on 17.05.2006, the petitioner joined the C.R.P.F. as a constable. By order dated 23.10.2006, he was sent for basic training to R.T.C.-III. It has been stated that in course of training, the petitioner suffered an injury in his right knee on 07.11.2006 and on account of the said



injury, he was admitted to C.R.P.F. group Hospital on 08.11.2006 and remained there till 25.11.2006. The petitioner, thereafter, was referred to Medical College & Hospital, Tiruwantpuram on 29.11.2006 and was treated on several dates. Lastly, on 10.01.2007 he was advised to bed-rest for three weeks. A plea has been taken that subsequently due to serious ailment of his mother, he was granted leave from 14.03.2007 to 28.03.2007. During the said period, he himself was got treated at C.R.P.F. Hospital, Muzaffarpur. Though the petitioner was supposed to go to Training Centre, R.T.C.-II from 01.10.2007, but unfortunately he suffered from Gastroenteritis problem and was admitted to C.R.P.F. Hospital on 28.09.2007 and was discharged on 03.10.2007. Again on 05.11.2007, though he was supposed to go for training, but unfortunately he again suffered some medical problem and was advised to bed-rest. After getting fitness certificate, he was sent to R.T.C.IV Srinagar for further training, but again he suffered pain. In sum and substance, it has been pleaded that one way or the other, due to injury, he failed to complete the training. In the meanwhile, the impugned notice i.e. Annexure-19 to the writ petition was issued intimating for his termination from service after one month in compliance with Central Civil Services (Temporary Service) Rules, 1965



4. Sri Vinay Kirti Singh, learned Senior Counsel appearing on behalf of the petitioner submits that once the petitioner had received injury in course of his training, in such circumstances instead of taking steps for issuance of notice for termination and subsequently terminating the services of the petitioner, in view of its own circulation /standing Order, the Respondents were required to adjust the petitioner to some other work requiring no such strained work. Learned Senior Counsel has referred to Standing Order no.7/99 of C.R.P.F. (Annexure-R/23). According to learned counsel for the petitioner in terms of standing order itself, since the petitioner had received injury during training period, instead of terminating his services, the petitioner was required to be adjusted to some other equivalent post. On the aforesaid ground, a prayer has been made to quash the order of termination i.e. Annexure-22 to the writ petition.

5. Sri Sanjay Kumar, learned Central Government Counsel, by way of referring to selection order issued in favour of the petitioner i.e. Annexure-1 to the writ petition, submits that this order was issued on 02.05.2006, whereby the petitioner was selected as G.D. Constable . In the offer of appointment itself, certain conditions were imposed and one of the major conditions was that if after joining , a candidate fails to complete training , his



services is liable to be terminated. By way of referring to the statement made in paragraph-3 of the counter affidavit filed on behalf of Respondents, it has been argued that the petitioner was sanctioned 15 days leave with effect from 14.03.2007 to 28.03.2007 due to illness of his mother. After expiry of leave period, he was required to join to RTC-II CRPF on 28.03.2007, but instead of joining on specified date and place, he joined at Composite Hospital, CRPF, Muzaffarpur on 16.04.2007. It has been argued that since even after expiry of such a long time, the petitioner had failed to complete the training, the petitioner was not confirmed as member of the Force as per Rule 26 of C.R.P.F. Rules 1955. During three years period, the C.R.P.F. was having full authority to terminate the services as per Central Civil Service (Temporary Services) Rules, 1965. It was submitted by Sri Sanjay Kumar, learned Assistant Solicitor General that the injury, which has been alleged by the petitioner that he sustained the said injury during training, is not true, rather by way of referring to Annexure-2 at page-29, he has submitted that the doctor had diagnosed the ailment of Arthritis Right knee . He submits that in any event the disease of Arthritis may not be termed as injury caused during the period of training. In sum and substance, it has been argued that one way or the other, on the plea of ailment, the



petitioner has not completed his training and he, for the most time, was under treatment and, as such, it was felt necessary to give one month notice and one month notice i.e. Annexure-19 was issued and pursuant thereto the termination order has rightly been passed vide Annexure-22 to the writ petition. Learned counsel for the petitioner submits that even after issuance of termination order, the petitioner tried to meet the office concerned, but he was not given proper response.

6. In view of facts and circumstances, it is clear that the petitioner had not completed his training. Meaning thereby that in absence of completion of training, there was no question to treat the petitioner as permanent employee of C.R.P.F., rather he was treated as temporary employee. It is also evident that one way or the other, whatever reason may be, for several period he remained absent from training and, as such, I do not find any error either in issuance of one month notice in view of Sub rule(1) of Rule 5 of the Central Civil Services(Temporary Rules) 1965 or the order of his termination vide Annexure-22 to the writ petition. So far as the plea of the petitioner that the petitioner was required to be adjusted in other services, the Court is of the opinion that since the petitioner one way or the other has failed to complete his training, there is no reason to exercise writ jurisdiction as claimed



by the petitioner. The writ petition stands dismissed.

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(Rakesh Kumar, J)

