

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.26 of 2017

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Pramod Kumar, Son of Sri Sheo Kumar Prasad, Resident of village - Karmi Chak,
P.O. Darauli, P.S. Bhabhua, District - Kaimur, Bihar

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, New Delhi
2. The Inspector General Frontier Head Quarter, Sashtra Seema Bal, Guahati, Assam
3. The Deputy Inspector General of Sashtra Seema Bal, Bongaigaon, Assam
4. The Deputy Inspector General SHQ, SSB, Kokrajhar, District - Kokrajhar (Assam)
5. The Commandant of 31st Battalion SSB, Gossaigaon, Assam
6. The Adjutant 31st Battalion SSB, Gossaigaon, Assam
7. The Staff Officer (Administration) Section Head Quarter, Sastra Seema Bal, Bongaigaon, (Assam)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Adv.
For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.
Ms. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 19-05-2017

Heard Mr. Nawal Kishor Singh, learned counsel for the petitioner and Ms. Kanak Verma, learned Central Govt. Counsel.

The petitioner is aggrieved by the dismissal order dated 19.9.2014 passed by the Commandant, 31st Battalion, SSB, Gossaigaon (Assam), impugned at Annexure 1, as affirmed in appeal vide order passed on 11.1.2016, impugned at Annexure 2 at Page-16, whereby he has been dismissed from services of Sashtra Seema Bal. The reasons for dismissal is the unauthorized absence of the petitioner with effect from 1.4.2014 to 19.9.2014 i.e. the date when the dismissal



order was passed vide Annexure 1. There is nothing on record which would justify the absence of the petitioner for such long period.

In view of the law laid down by the Supreme Court in the case of Union of India & ors. v. Ghulam Mohd. Bhat, reported in (2005)13 SCC 228 and in the case of Union of India & ors. v. Datta Linga Toshatwad, reported in (2005)13 SCC 709, which related to a similar issue of over stay by a member of the uniformed service, I find no reason to interfere with the dismissal order.

The writ petition is dismissed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.05.2017
Transmission Date	NA

