

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1794 of 2015
IN
Civil Writ Jurisdiction Case No. 1391 of 2015**

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Balmiki Singh Son of Late Ram Bilash Singh Resident of Village and P.O. -
Dullapur, P.S. - Semri, District - Buxar.

.... Appellant

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Union of India through the Director General of Police, CISF, New Delhi.
3. The Inspector General of Police, CISF, Eastern Sector, CISF Office - Complex,
Boring Road, New Patliputra Colony Patna - 13.
4. The Deputy Inspector General of Police, CISF Unit R.S.P. (Raur Kela)
Sundargarh, Orissa.

.... Respondents

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Appearance :

For the Appellant : Mr. Pramod Kumar Singh, Advocate
For the Respondents : Mr. S.D Sanjay (Addl. Soc. Gen.)
Mr. Kumar Priya Ranjan, C.G.C.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-01-2017

I.A. No. 8050 of 2015 is allowed. Delay of three days is
condoned. Matter is taken up on the merits.

The anxiety of the appellant to regain employment back
under the respondents could be well appreciated especially when the
counsel for the appellant informs the Court that the appellant had
almost 18 years of service left.

However, the desire to continue in service that too
under a disciplined force like the C.I.S.F. also commands and
demands certain conduct and behaviour which could have compelled
the authorities to retain the appellant in service for the left over
period.

Appellant had approached the High Court earlier against



the order of compulsory retirement. The detailed judgment on the challenge which he had thrown is dated 05.04.2013, which is part of the counter affidavit filed on behalf of Union of India. The appeal against the order of dismissal of the writ application was also dismissed, affirming the order of the learned single Judge because when the appellant felt resistance, he decided to withdraw the appeal itself.

He now moves again with a prayer that the quantum of punishment seems to be harsh. That aspect has also been dealt with by the learned single Judge in his order dated 09.03.2015, which is the subject matter of challenge in the present appeal.

The matter must rest now. The reason and the decision taken note of by the learned single Judge based on the principle laid down by the Hon'ble Apex Court in the case of Union of India Vs. K.G.Soni, reported in (2006) 6 SCC 794 aptly answers the issue against the appellant.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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