

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1600 of 2013

IN

Civil Writ Jurisdiction Case No. 11395 of 2008

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Rachpal Singh, son of Shree Resham Singh, resident of - Gulamiwala, P.S.+P.O.- Arifke, District- Ferozpur, (Punjab), at present- D. Company, CISF Unit O.T.H.P.P. Obra, P.O.- Obra Therman, District- Sonebhra (U.P.)

.... Appellant/s

Versus

1. The Union of India through the Secretary, the Director General, Ministry of Home Affairs, New Delhi, CISF, CGO Complex, Lodhi Road, New Delhi
2. The Inspector General, CISF, Eastern Sector, Head Quarter, CISF Office, Complex, Patliputra, Boring Road, Patna
3. Deputy Commandant, Kahalgaon, KHSTPP, CISF, Unit Bhagalpur
4. Assistant Commandant, CISF Unit, KHSTTP. Kahalgaon, Bhagalpur (Bihar)
5. Inspector Fire through CISF Unit KHSTTPP, Kahalgaon Bhagalpur, Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Pandey, Advocate
Mr. Sheo Pujan, Advocate
Ms. Sandhya Kumari, Advocate

For the UOI : Mr. Anshuman Singh, CGC

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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: 07-03-2017

The delay of 45 days is condoned. I.A. No. 8794 of 2013 is allowed. The matter is thereafter taken up on the merits.

The appellant was promoted on the post of Head Constable from the post of a Constable. However, such promotion period was subject to satisfactory completion of probation. The probation was extended 4 times over, in fact, more than what the Rules prescribe. An order after the period of probation was passed



on 01.02.2002 reverting him on the substantive post of constable. However, the order suffered certain infirmity as to the provision of the CISF Rules, which was wrongly quoted, therefore, it was corrected through a corrigendum dated 27.02.2004. This order became subject-matter of challenge before the Central Administrative Tribunal, Allahabad, then Delhi High Court then the matter traveled to this Court where the learned Single Judge vide order dated 17.07.2013 refused to interfere with the impugned decision of the CISF, and therefore, the appeal.

The submission of learned counsel for the appellant is that it was a case of high-handedness. Proper procedure was not followed and for extraneous reasons the order of reversion was passed.

All the submissions on behalf of the appellant are required to be rejected and negated since the promotion on the post of Head Constable was provisional subject to confirmation after successful completion of period of probation. The fact that the authorities extended the probation period four times over when probation was required to be extended twice, is indicative of the fact that the appellant did not come up-to the mark despite extra indulgences shown to him by the superior authorities.

Since the said promotion was not substantive



promotion but was conditional promotion, for non-satisfactory completion of the period of probation, if the authorities decided to put the appellant back on the post of constable, it was not really in the sense of reversion, but it is because of non-confirmation of the decision of the respondent-authorities to grant him promotion on a substantive post. Therefore, no case for any holding of enquiry, opportunity, etc. etc. which has been urged at bar, was required to be given.

In totality, therefore, since Rule 25(2) of the CISF Rules was invoked, no error was committed by the authorities.

In the circumstances of the case, the appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

S.Pandey/-

(Nilu Agrawal, J)

AFR/NAFR	NAFR
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