

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9201 of 2014

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Chhathu Ram Son of Rangi Ram, Resident of village - Chankiya, P.O. Chankiya,
P.S. Krishnabrahma, Distt. Buxar.

.... Petitioner

Versus

1. The Union of India through the Ministry of Home Affairs, New Delhi.
2. The D.G., C.I.S.F., G.C.O. Complex, New Delhi.
3. The I.G., C.I.S.F., Eastern Sector Patliputra, Patna - 13.
4. The D.I.G., C.I.S.F., Eastern Zone, Patliputra, Patna - 13
5. The Commandant C.I.S.F. Unit, K.H.S.T.P. Kahalgaon, Bhagalpur (Bihar).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sadanand Paswan, Adv.

For the UOI Respondent: Mr. Rajesh Kumar Verma(CGC).

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 01-09-2017

Heard the learned counsel for the petitioner
and the learned counsel appearing for the respondent nos. 2
to 5.

Yesterday also, the case was heard at length
but at the request of the learned counsel for the respondent
nos.2 to 5, the case was passed over for the day.

The petitioner has assailed the order of the
Commandant/Disciplinary Authority, Central Industrial
Security Force K.H.S.T.P.P. Kahalgaon, Bhagalpur dated
02.10.2012, by which the petitioner is punished with the
stoppage of one increment for three years and the effect of
increment shall be effective in future also. Secondly, during



the period of suspension, no salary, save and except, the subsistence allowance is ordered to be paid and the petitioner is treated to be suspended for that period. The petitioner was proceeded on the charge that on 03.07.2012 while he was on duty, he, without permission, went inside entertainment room and in the office of Writer. The petitioner is further charged of pointing out rifle on D.C.Sahu, Constable, Central Industrial Security Force and also threatened. The petitioner is also charged for disobedience of the order of the superior authority. After enquiry, the petitioner was inflicted with the stoppage of one increment for three years and the effect of increment shall be effective in future also besides non-payment of salary and other allowances, save and except, the subsistence allowance during the period of suspension.

Learned counsel for the petitioner submits that the departmental proceeding was held but all the witnesses have stated that the petitioner and D.C.Sahu were good friends and they passed peasantry against each other. The rifle was not pointed out at the chest of D.C.Sahu with an intention to kill nor the rifle was found corked. Witnesses have stated that D.C.Sahu firstly used abusive language against the petitioner and on such, the petitioner also retorted. It is submitted that for such trifle incident, the



stoppage of punishment of increment with cumulative effect is disproportionate to the charge. The punishment is major one.

On the contrary, learned counsel for the respondents submitted that D.C.Sahu is a member of disciplined force and to maintain the discipline in the force, stern action is necessary. There is no illegality or procedural irregularity in the departmental proceeding.

Having considered the submissions of both sides and on perusal of the records, I find that the departmental proceeding was initiated against the petitioner. The petitioner went to the entertainment room while he was on duty and he is alleged to have entered into verbal altercation with D.C.Sahu, in which the petitioner also pointed out rifle at D.C.Sahu but almost all the witnesses, examined during the course of enquiry, have stated that the petitioner and D.C.Sahu commented on each other jokingly, in which D.C.Sahu firstly used the abusive language and the petitioner also retorted and used abusive language. Learned counsel for the respondents has pointed out that the petitioner did not complain about the behaviour of D.C.Sahu but D.C.Sahu complained on which the departmental proceeding was initiated but the fact remains that the



witnesses, who have seen the occurrence, have invariably stated that both D.C.Sahu and the petitioner were good friends and they were passing jokes at each other. During their talk, some hot exchanges took place. Of course, in the disciplined force, the discipline should be maintained at any cost but it does not mean that on such a trifle matter major punishment be inflicted on a constable, although both the constable entered into verbal altercation.

I find on the facts aforesaid that the punishment is disproportionate to the charge. Therefore, I set aside the order of the Disciplinary Authority as well as the Revisional Authority and remit the case to the Disciplinary Authority to pass order afresh and inflict such punishment which would commensurate with the charge. Accordingly, this writ application is allowed.

(Prabhat Kumar Jha, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2017
Transmission Date	NA

