

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.147 of 2017

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Bishnu Shankar Azad No.- 035203823 constable, son of Sri Laxmi Narayan,
resident of Mohalla- Nehru Nagar, P.O. and P.S.- Buxar, District- Buxar.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs,
Government of India, New Delhi.
2. The Director General, Central Reserve Police Force, Block No- CGO Complex,
Lodhi Road New Delhi.
3. The Special D.G. Central Zone, C.R.P.F., Salt Lake, Kolkata (W.B.).
4. The Inspector General, Central Reserve Police Force, Jharkhand Centre,
Ranchi.
5. The Deputy Inspector General, Central Reserve Police Force, Ranchi,
Jharkhand.
6. The Deputy Inspector General, Central Reserve Police Force, Muzaffarpur,
Bihar.
7. The Commandant 94 Batalian, Central Reserve Police, Khunti, Jharkhand.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Gopal Mishra, Adv.

For the Respondent/s : Mr. Anjani Kumar Shara, ASG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-09-2017

Heard Mr. Nand Gopal Mishra, learned counsel appearing
for the petitioner and Mr. Anjani Kumar Sharan, learned Assistant
Solicitor General for the Union of India.

The petitioner has been dismissed from service on
grounds of misconduct. Throughout the enquiry he has not bothered
to participate and there is not a single document on record which
would suffice whether the petitioner sought permission for
postponement of the proceeding or bothered to get his leave
extended. Obviously the Disciplinary Authority in such
circumstances would have no other option but to conclude the



proceeding on the basis of materials on record which has been done by the Disciplinary Authority but not before giving ample opportunity to the petitioner to defend himself. Paragraphs 2 to 4 of the order of dismissal passed by the Disciplinary Authority at Annexure 3 would confirm this position that at every stage the petitioner was informed and given opportunity to rebut by leading evidence. However the petitioner failed to avail of the opportunity. The order also confirms that number of witnesses were examined including the complainant and who supported the misconduct by the petitioner.

In the circumstances the conclusion of the Disciplinary Authority recorded at paragraph 5 of the dismissal order dated 22.8.2012 as affirmed by the Appellate and Revisional Authority warrants no interference.

In fact considering the conduct of the petitioner through the proceedings, this Court is not persuaded to grant him indulgence.

The writ petition is dismissed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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