

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9639 of 2014**

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1. Dinesh Kumar Son of Ram Awtar Singh Resident of Village Moul tola, P.S-  
Pirpanti, District- Bhagalpur.

.... .... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs,  
Government of India, New Delhi.
2. The Inspector General of Police, C.I.S.F. Eastern Zone, Patna.
3. The Deputy Inspector General of Police, CISF Unit B.C.C.L. Koyla Nagar,  
Dhanbad, State Jharkhand.
4. The Commandant, CISF, Unit, B.C.C.L. Dhanbad, in the State of Jharkhand.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, advocate

For the Respondent/s : Mr. Rajesh Kumar Verma, CGC

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL JUDGMENT**

**Date: 17-11-2017**

Heard Mr. Bhola Prasad, the learned counsel for the  
petitioner, and Mr. Rajesh Kumar Verma, the learned counsel for the Union  
of India.

The petitioner has filed this writ petition for quashing the  
order dated 31.10.2013, as contained in memo No. 3864 (Annexur-7),  
issued by the Commandant, C.I.S.F. Unit, BCCL, Dhanbad by which the  
petitioner has been compulsorily retired from service. The petitioner further  
seeks quashing of the order dated 06.01.2014, as contained in memo No.  
217, (Annexure-8) by which appeal of the petitioner against the order dated  
31.10.2013 has been dismissed by the D.I.G., C.I.S.F., BCCL, Dhanbad.

The facts in brief is that the petitioner, after retirement from  
service of Indian Army, was re-employed in C.I.S.F. as Head Constable.



While the petitioner was posted at Dhanbad, he was put under suspension vide order dated 19.09.2006 in contemplation of a departmental proceeding that petitioner owned movable properties and carries on business without the previous sanction of the competent authority in violation of Central Government Servant Conduct Rules, 1964. The enquiry officer found the petitioner guilty and, after hearing the petitioner, the petitioner was removed from service w.e.f. 23.05.2007. The appeal and revision of the petitioner were also dismissed vide orders dated 29.08.2007 and 09.01.2008. The petitioner preferred CWJC No. 4881 of 2008 and a single bench of this court allowed the writ petition holding that, on the facts and in the circumstances of the case, carrying business without previous sanction of the competent authority does not warrant such extreme punishment of removal and remitted the case to the competent authority vide order dated 19.08.2013 (Annexure-6). Thereafter, the disciplinary authority, taking into consideration all the facts, compulsorily retired the petitioner from service. The petitioner preferred appeal which was also dismissed by the D.I.G., C.I.S.F. holding that the punishment is commensurate with the charges.

The learned counsel for the petitioner submits that compulsory retirement is also a major punishment and the punishment is not commensurate with the charge of carrying business without the previous sanction of the competent authority. It has nowhere come, during the course of departmental enquiry, that the petitioner owned movable property, i.e. truck after entering into service of C.I.S.F.

I do not find the submission of the learned counsel for the



petitioner acceptable. Admittedly, on the date of appointment itself the petitioner has to disclose about the properties movable and immovable owned by him. Rule 15 (i) (a) and 18 (i) (c) of Central Government Servant Conduct Rules, 1964 enjoins the employee to disclose about the movable and immovable property owned by him, at the time of entry into service. The employee is also prohibited from carrying on business without the previous sanction of the competent authority. The enquiry officer found that petitioner, being Head Constable of C.I.S.F., a disciplined force, did not disclose about the movable property owned by him besides he was also carrying business without taking previous sanction from the competent authority.

Therefore, I do not find that punishment is disproportionate to the charge levelled against the petitioner. Accordingly, I do not find any merit in this writ petition and the same is dismissed.

**(Prabhat Kumar Jha, J)**

BKS/-

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