

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Appeal No. 582 OF 2016

Vikramaditya Pandey S/o Late Shri Ramchhebar Pandey, Aged About 73 Years
 Retired Constable, Thana Jamul, District Durg R/o Qtr No 1561, Housing Board,
 Jamul, District Durg, Tahsil And District Durg M.P. Now Chhattisgarh

---- Appellant

Versus

1. State Of Madhya Pradesh Through The Secretary, Home Department, Govt. Of Madhya Pradesh Bhopal
2. Inspector General Of Police, And Director General Madhya Pradesh Police Head Quarter Bhopal
3. Superintendent Of Police, Durg Chhattisgarh

--- Respondents

For Appellant	:	Mr. Sunil Verma and Mr. Punit Ruparel, Advocate
For Respondent/State	:	Mr. Arun Sao, Deputy Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Sanjay Agrawal, J.

Order on Board

Per Deepak Gupta, Chief Justice

17/01/2017

1. Heard on I.A. No. 01/2016 for condonation of delay in filing the appeal.
2. There is 1327 days delay i.e. more than three years in filing the appeal.
3. The appellant challenged the order of learned Single Judge, passed on 04/03/2013.
4. The present appeal was filed after three years on 07/12/2016. Virtually, no ground has been made out for condonation of delay. All that is stated is that the petitioner, due to financial crises could not approach this Court. This itself is not sufficient ground for condoning the delay.
5. Even though we are not inclined to condone the delay, we have also gone through the merits of the case. The petitioner/appellant was compulsorily retired and has challenged the order of his compulsory

retirement. The record of the case reveals the following work and conduct of the appellant/petitioner.

4. From the record and Ex. D-1 it is clear that on number of occasions the petitioner was subjected to various major and minor punishments including censure. Petitioner was appointed as Constable on 14/08/1961 and on 24/05/1965, after departmental enquiry, an order was passed for reduction of pay of one year for indiscipline and not obeying his superiors. After departmental enquiry his salary was reduced for one year for unauthorized leave and on account of dubious activities. On 28/10/1975, one increment of the petitioner was withheld for one year without cumulative effect for 75 days unauthorized leave. In July and November 1974, the petitioner was censured for misbehaviour. On 6th December, 1978 and 4th October 1979, 5 days' punishment was imposed for taking undue extra time while taking report from Sagar and for unauthorized absence respectively. On 23rd June, 1983 and 22nd May, 1984 the petitioner was censured for unauthorized absence. In May and July 1985 one annual increment of the petitioner for one year was withheld on account of overstaying after leave. On 28th February 1986, 28th December 1987, 19th February 1988, 11th May, 20th November & 7th December, 1990 and 11th February 1993 the petitioner was censured for not being in proper uniform, unauthorized absence, absence from general parade and absence from night patrolling duty.

5. Service roll of the petitioner for various years reads as under:

- 1963 - He is a person of loose moral character and illegal connections with some lady and news was published in the newspapers.
- 1964 - Mischievous and unsatisfactory.
- 1965 - Needs to be under strict watch and after DE, he was reduced in pay.
- 1966 - Work ordinary.
- 1967 - All round poor.
- 1968 - Mischievous and unsatisfactory work.
- 1969 - Mischievous, lazy and poor in work.
- 1971 - Below average.
- 1972 - Placed under suspension.
- 1973 - Average in turn out, poor in law and procedure.
- 1974 - Suspicious for his high handedness in dealing

with public.

- 1975 - Average work, needs strict control.
- 1976 - On leave
- 1977 - On leave during inspection and general complaint against him.
- 1981 - Weak in parade.
- 1982 - Just average.
- 1983 - Just average.
- & 84
- 1985 - Average.
- 1989 - Average worker, knowledge of law and procedure is poor.
- 1990 - Not competent in field work.
- 1991 - Average.
- 1994 - Work and conduct is ordinary.
- 1995 - Ordinary work and conduct satisfactory.

6. It is thus obvious that the appellant's conduct was absolutely improper. He was warned on many occasions. He was punished on many occasions. The petitioner appears to be a habitual delinquent official. Therefore, we find no sufficient ground in condoning the delay. We also find no merit in the appeal.
7. In view of above, the application for condonation of delay and the appeal is dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE