

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Appeal No. 583 OF 2016

Ramagya Shukla S/o Late Satyanarayan Shukla Aged About 61 years (at present 73 years) Retired Constable, R/o Police Line, Durg, Tahsil And District Durg, R/o Shukla Kirana Store, Uncha Mohalla, Shankar Nagar Chhaoni, P.S. Jamul, District- Durg, Chhattisgarh

---- Appellant

Versus

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

--- 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 20/11/1962 and on 17/10/1982, after holding departmental enquiry and proving the charges, of misconduct and misbehaviour with senior officers, the petitioner was imposed punishment of withholding one annual increment. On 31/03/1986, after holding DE one annual increment of the petitioner was withheld for unauthorized absence on various occasions. On 24/09/1988 again his one annual increment was withheld for domestic violation made out to his wife, keeping a concubine and unauthorized absence on various dates. On 01/03/1990 he was imposed punishment of withholding one annual increment for unauthorized absence and indiscipline.

5. The petitioner was imposed with various other minor punishments during his service tenure which are as under:

- | | | |
|-------------------------------|---|---|
| 31/10/1964 | - | Punishment of 10 days drill for misbehaviour with senior officer. |
| 06/01/1966 | - | 6 days punishment drill for shabby appearance. |
| 26/08/1969 | - | Censure for overstaying from leave. |
| 08/03/1972 | - | Censure for overstaying from leave -15 days punishment drill. |
| 11/09/1973 | - | Censure for keeping 11 round of cartridge unauthorizedly in magazine, withholding of one increment without cumulative effect. |
| 25/09/1978
&
25/11/1978 | - | 5 days punishment drill for unauthorized absence. |
| 06/06/1979 | - | Censure for unauthorized absence. |
| 26/05/1982 | - | Censure for loss of his kit card. |
| 01/02/1983 | - | Censure for absence from guard duty. |
| 04/03/1982 | - | Censure for absent from duty. |
| 01/04/1983 | - | Censure for unauthorized absence. |
| 10/10/1984 | - | Censure for unauthorized absence and indiscipline. |

Jan.1985 & - Censure for unauthorized absence.
07/06/1985

17/07/1985 - Censure for unauthorized absence,
punishment of withholding of one annual
increment.

06/08/1985 - Censure for misbehaviour to superiors.

06/09/1985 - Censure for unauthorized absence.

On 02/10/85, 23/02/86, 03/07/86, 11/11/87, 25/02/89,
02/08/89, 05/12/89, 19/11/90, 03/08/91, 07/09/91, and
09/03/1992 the petitioner was censured for unauthorized
absence from general parade.

12/10/1993 - Censure for unauthorized absence from
patrolling duty.

05/02/1996 - Censure for unauthorized absence from
patrolling duty.

02/04/1996 - Censure for being late on duty.

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