

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5452 of 2017

Dr. S. K. Jain S/o Late Brijendra Kumar Jain Aged About 49 Years
R/o Qtr. No. 12 Type -- V , Group Center C R P F Bharani, Bilaspur
Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Secretary Ministry Of Home Affairs , North Block Central Secretariat, New Delhi 110001
2. Inspector General Medical / Medical Superintendent, Composite Hospital, Central Reserve Police Force, Bantalab, Jammu (Jammu & Kashmir)
3. Deputy Inspector General Of Police ,(C R & V I G), Central Reserved Police Force, Block No. 1, C G O Complex, Lodhi Road, New Delhi .
4. Deputy Inspector General Of Police (P E R S) Central Reserve Police Force, Block No. 1 C G O Complex , Lodhi Road , New Delhi .
5. Union Public Service Commission, Dholpur House , Shahjahan Road, New Dehi .

---- Respondents

For petitioner : Mr. A. V. Shridhar, Advocate

For UOI : Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

24/11/2017

Heard.

1. An affidavit on compliance of order passed by this Court earlier dated 03-10-2017 has been filed seeking to explain the delay in filing this petition.
2. The petitioner has subjected to disciplinary action by cumulative

imposition of penalty. An appeal preferred against the same was also dismissed. It appears that the memorial was also submitted for consideration of the President but the memorial was not adopted and by order dated 29-10-2013 that was dismissed. This petition has been filed after almost 4 years, on 04-10-2017.

3. In the petition as was originally filed, there hardly any explanation . The petitioner was granted the liberty to explain the delay. The application which has been now filed seeks to explain the delay in the manner that when the order dated 29-10-2013 was passed, the petitioner was on study leave which was extended until he joined on 30-07-2014. The petitioner remain posted in various sensitive areas and, therefore, for these reasons he could not take any remedy. It is submitted that the petitioner is subjected a major penalty and he is not granted indulgence and liberty of consideration of memorial by the higher executive authority in the hierarchy of remedies available to the petitioner, it would cause hardship.

4. Even if the explanation offered in respect of the period till the petitioner completed his study leave. From July, 2014 to October, 2017, there is absolutely no justification for the petitioner to remain indolent therefore is accepted, the petitioner is not a villager or a low paid employee. He is class one Gazatted officer. This Court also finds that after the department remedies were closed the petitioner was granted a permission on 12-12-2013. Moreover, it is a case in which the petitioner is not subjected to penalty of loss of employment. It is not the period but his explanation which is relevant for deciding whether the petitioner has remained indolent in approaching the Court. The petitioner has failed to explain the delay.

5. Accordingly, this writ petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge