

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 574 OF 2016**

Premnarayan S/o Bhawani Prasad Dubey, aged about 69 years, Police Constable No. 1022 Police Chouki Kumhari, Police Station Purani Bhilai, Tahsil And District Durg R/o Of Sector 11 Bhilai, Tahsil And District Durg

---- Appellant**Versus**

1. State Of Madhya Pradesh Through The Secretary, Home Department, Government Of MP Mantralaya Bhopal.
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 29/01/1965 and on 15/07/1977, after departmental enquiry, an order was passed for reduction in pay for misconduct, negligence and providing opportunity to accused persons to escape. On 27/06/1978, after holding Departmental Enquiry annual increment for one year was withheld on account of unauthorized absence and negligence in performing the duty and on 22/10/1985, punishment of compulsory retirement was imposed on him, however, the authorities took compassionate view and reduced/modified the same to withholding of one year increment form that of compulsory retirement. In the year 1991 vide order dated 30/04/1985, punishment of compulsory retirement from service was imposed on him, however, in appeal, the punishment was modified to withholding of one annual increment. On 30/12/1992, after holding departmental enquiry one increment was withheld for unauthorized absence despite earlier warning. The petitioner was also imposed various other minor punishments of censure and punishment drill (PD).

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

- 1966 - Ordinary Constable.
- 1971 - Lack of knowledge of law.
- 1971 - Ordinary.
- 1973 - Average, poor in law and procedure.
- 1974 - Average.
- 1975 - Negligent in work, needs to be more regular.
- 1979 - Poor in turn out, average knowledge of law and procedure.
- 1980 - Average in law and procedure, physically fit but shirks work.
- 1982 - Average duty.
- 1983 - Undisciplined and notorious.

- 1984 - Continued to be notorious, needs to be washed out.
- 1988 - Very mischievous constable, quarrelsome, creates problem, strict watch is necessary.
- 1989 - Unreliable, conduct-suspicious.
- 1990 - Negligent, needs to be under observation.
- 1991 - Habitual unauthorized absence, needs to be under observation.
- 1992 - Negligent towards work, habitual unauthorized absence and burden to the department.
- 1993 - Negligent towards work, habitual unauthorized absence and burden to the department.
- 1994 - Very suspicious conduct and worst turn out and conduct, not interested in work.
- 1995 - Conduct as usual, burden on the department.

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