

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT APPEAL No. 1576 OF 2017

DATED 27TH OCTOBER, 2017

Between:

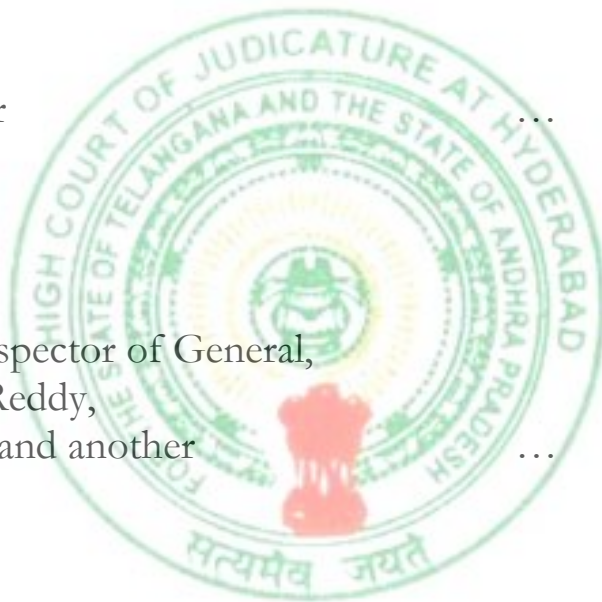
N.Shiva Kumar

... Appellant

AND

The Deputy Inspector of General,
CRPF, Ranga Reddy,
Secunderabad, and another

... Respondents



Counsel for the appellant

:

Mrs. S.Nanda

Counsel for the respondents

:

Assistant Solicitor General

THE COURT MADE THE FOLLOWING

JUDGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

The appellant, who was a cook in Central Reserve Police Force (for short, 'C.R.P.F.'), absconded from duty from 15-01-2003, within a few months after he was appointed. A warrant of arrest was issued on 25-01-2003 based on F.I.R. dated 16-01-2003. An inquiry was ordered on 13-03-2003. The appellant was subsequently declared as "DESERTER FROM FORCE" with effect from the afternoon of 15-01-2003 under the provisions of Rule 31 (c) of C.R.P.F. Rules, 1955. A memo of charge along with Annexes I to IV was sent to the appellant *vide* letter dated 25-03-2003. The inquiry officer afforded an opportunity to the appellant to defend his case *vide* letter dated 12-04-2003. As the appellant had not responded to any of the abovementioned correspondence, an *ex parte* inquiry was held and inquiry report was submitted by the inquiry officer to respondent No. 2. The inquiry report was forwarded to the residential address of the appellant *vide* letter dated 12-06-2003. The appellant had broken his silence by addressing a letter on 09-06-2003 explaining the reasons for his absence. A letter was addressed on 14-06-2003 by the office of respondent No. 2, evidently to the same address from which the appellant sent his letter dated 09-06-2003, giving him

another opportunity of making a representation or submission, if any, in writing with reference to the inquiry report within 15 days. Even this opportunity was not availed by the appellant. Eventually, by order dated 30-06-2003, the appellant was dismissed from service by respondent No. 2. After cooling his heels for more than four years, the appellant filed an appeal on 29-09-2007. Respondent No. 1-the appellate authority dismissed the said appeal by his order dated 29-10-2008 as time barred. W.P.No. 22748 of 2009 filed by the appellant against the said two orders of the respondents having been dismissed, the appellant filed the present appeal.

2. Mrs. S.Nanda, learned counsel for the appellant, has tried to persuade us to interfere with the impugned order. However, we are convinced that the appellant, an employee of a disciplined force, conducted himself in a highly undisciplined manner not only by absconding from duty for more than six months but also by failing to appear in the inquiry and defend his case. Even after his dismissal from service, the appellant slept over his legal remedies for more than four years. As rightly observed by the learned single judge, the appellant, who is expected to adhere to strict discipline, does not deserve any lenience or indulgence. Having perused the record, we

are convinced that the inquiry does not suffer from any procedural irregularities or illegalities and the orders of dismissal of the appellant from service and dismissal of the appeal also do not suffer from any vices of illegality warranting interference of this Court in exercise of its Letters Patent jurisdiction under Clause 15 of the Letters Patent Act.

3. For the aforementioned reasons, the Writ Appeal is dismissed.

4. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 2926 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 27-10-2017.

JSK