

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6301 of 2012

=====

Santosh Kumar Singh, S/O Shri Ram Kumar Singh, resident of Village- Majhaua,
P.S. - Ara Town, District- Bhojpur.

.... Petitioner

Versus

1. The Union of India.
2. The Director General, C.I.S.F., New Delhi
3. The Senior Commandant, C.I.S.F., R.T.C., Araakonam
4. The D.I.G. Training Centre, C.I.S.F., Head Quarters, New Delhi
5. The D.I.G., Principal C.I.S.F., Security Campus, District- Vellore (Tamilnadu)

.... Respondents

=====

Appearance:

For the Petitioner/s : Mr. Navin Prasad Singh, Advocate
Mr. Jai Shankar Pathak, Advocate
For the Union of India : Mr. Anshuman Singh, (C.G.C.)

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 24-01-2018

Heard learned counsel for the petitioner and learned
counsel for the Union of India.

2. In the present case, the petitioner is challenging the
letter no.768 dated 13.01.2012 issued under the seal and signature of
Commandant, C.I.S.F. R.T.C. Arakkonam, whereby and whereby
the order no.E-37035/RTC(A)/30th Batch CT-UT/Disc/Ter.
No./2008/1392 dated 24.02.2009 passed by the appointing authority,
terminating the service of petitioner, vide Constable no.084360300
has been confirmed.



3. The petitioner applied for the appointment in the Paramilitary forces against the advertisement dated 15.03.2008. The petitioner was selected, sent for the training at the basic training centre, Arakkonam, in the district of Vellore (Tamil Nadu). The training was started on 08.09.2008, the petitioner participated in the training camp. While staying in the centre, the petitioner felt highly disturbed mentally and physically, was not in a position to undertake training and felt that he may die so after verbally intimating he left the centre on 14.10.2008. He came to his native place and visited the Sadar Hospital, Ara and remained under treatment from 16.10.2008 to 07.11.2008. But, the document which has been attached in the writ petition dated 16.10.2008 issued by Dr. A. Qaiyum does not inspire any confidence on account of fact that if a person is admitted in a Government Hospital, first he has to enter into O.P.D. and if he remains as indoor patient as has been stated in paragraph no.11 of the writ petitioner that he remained under treatment in the Sadar Hospital, Ara from 16.10.2010 to 07.11.2008, it is the Hospital, which would give the certificate not a doctor on his personal letter head, who is practicing privately. Those who are admitted as indoor patient, Bead Head Ticket is prepared and maintained mentioning every details of patient.



4. As per the petitioner, when he recovered he had gone to resume his duties along with his uncle, but was not allowed to enter into the centre, he came back to his native place, Ara, from there he sent a registered letter to the respondents, making prayer to allow him to undertake the training but he was not given any response, where-after he met the D.I.G. Training Centre, Headquarter at Delhi, who assured him that he will call for a report from Chennai centre and as soon as he receive the report he will intimate the petitioner. But, when the petitioner did not receive any letter, he sent a notice dated 17.01.2009 through his lawyer, making a prayer to allow him to undertake training. He also sent a legal notice and where-after, the petitioner received the letter no.1053 dated 15.02.2009 issued by the D.I.G., C.I.S.F., R.T.C. Arakkonam, informing the separation of service with the C.I.S.F. mentioning reason that he had left the centre on 14.10.2008 without any information and that was followed by letter no.1392 dated 24.02.2009, informing the termination of service in a proper format. Against that, the petitioner filed an application dated 31.03.2009, requesting that he should be reinstated in service and had undertaken that he would not repeat the same mistake. When nothing came out, he approached this Court in C.W.J.C. No.8797 of 2009, which was dismissed. Against that order, the petitioner filed L.P.A. No.1179 of 2009 and this Court vide order



dated 15.07.20011 remanded back the matter and directed the respondents to serve the fresh notice as per Rule-25 of the C.I.S.F. Rules, 2001, direction was also given to the petitioner to give reply of the notice within four weeks from the date of receipt of the same.

5. In pursuance thereof, the Senior Commandant, vide letter dated 19.11.2011 issued notice under Rule-25 of the C.I.S.F. Rules, 2001, making a statement that he had illegally deserted the camp and as per the order of the High Court, issued notice and he was asked to submit his reply within four weeks from the date of receipt of the notice. Where-after, the petitioner filed the reply, giving his own reason for leaving the camp, mentioning therein that he was ill and on that account he left the training centre for his treatment at native place. Considering the facts and circumstance, the order of termination of service of the petitioner has been passed on 13.01.2012, against that the petitioner has filed an appeal, which has also been dismissed vide order dated 18.07.2014, which is not under change.

6. Be that as it may, in the present case, the petitioner was selected in the Paramilitary force and it is expected from a trainee under probation that he would not desert the place of training without the permission of the Commandant; discipline is the hall-



mark of any service especially for the Paramilitary force and Police force. When the petitioner was feeling unwell he could have approached the Commandant for necessary treatment, it is not so that the centre has no hospital or no doctor, but as per the counter affidavit, in the training centre there is a hospital and there is chain of hospitals for treatment C.I.S.F. personnel, but instead of approaching the Commandant he deserted the camp and also tried to impress upon this Court that he was under treatment in Sadar Hospital, Ara, which appears to be completely wrong, as the certificate, which has been attached in the writ petition, not appears to be a genuine certificate on account of fact that in the writ petition he stated that he remained under treatment in the Sadar Hospital, Ara from 16.10.2010 to 07.11.2008, but he has attached the certificate of a doctor attached to the Sadar Hospital, who has been running his private clinic. One thing is also very important, the petitioner has been served the counter affidavit attaching the order of appellate authority but he has not challenged the order of the appellate authority. During the probation period, if the work of trainee is not found upto mark, the probationer can be terminated at any time during the probation period when he is not found fit for the post.

7. In such view of the matter, this Court does not find any



merit in this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	27.01.2018
Transmission Date	N/A.

