

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16824 of 2014

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Rajiv Kumar Son of Korelal Singh, resident of Village- Kunnath, P.S.-
Shambhuganj, District- Banka

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Home Department Govt. of India, New Delhi
2. Director General, Central Industrial Security Force, New Delhi.
3. Dy Inspector General/ Principal, C.I.S.F., M.P.R.T.C., P.O.- Anantpura, Belror, District- Alwar, Rajasthan- 301713
4. Commandant CISF, MPRTC, Behror, Rajasthan
5. Divisional Inspector General, CISF, Head Quarters, Patna
6. Reserve Inspector, CISF, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Y C Verma, Sr Advocate with
Mr Rajendra Sharma, Advocate

For Union of India : Mr Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-01-2018

Heard Senior Counsel for the petitioner and the
respondents.

2 The petitioner was removed from service on grounds of indulging in impersonation during his selection as a Constable in the Central Industrial Security Force (for brevity, *CISF*). Aggrieved by his removal, he approached this Court by filing *CWJC No 11059 of 2011*. It was allowed and the order of his removal was set aside as the same was done without affording any opportunity of hearing to the petitioner even though the same had recorded findings against him. In



compliance thereof, the petitioner was reinstated in service on 26.04.2014.

3 On 26.05.2014, memo of charge was served upon the petitioner along with the relevant material as contemplated under the CISF Rules. The petitioner, vide his response dated 04.06.2014, replied to the charge memo. Perusal of the same at Annexure 6 shows that he has denied the allegations. From the same, it does not appear that he has made any request for producing any documentary evidence or witnesses in the enquiry. After hearing the petitioner and considering his defence, enquiry report dated 22.06.2014 was prepared finding the petitioner guilty on the aforesaid charges. Thereafter, second show cause was given to the petitioner and after considering the same, the disciplinary authority, vide order dated 30.06.2014, has once again inflicted punishment of removal of the petitioner from service. From the records, which have been produced along with the counter affidavit filed on behalf of the Union of India, it appears that even the photographs of the petitioner, taken in the preliminary test on 22.07.2009 was compared with the photograph of the person who had appeared at the medical examination in place of the petitioner on 22.10.2009, did not match. As regards mismatch in the signature of the petitioner on two dates that is between the preliminary test and the medical test, in the course of proceedings, the



petitioner has tried to explain the same by saying that there was a mismatch as he was exhausted due to participation in the physical test. All these aspects of the matter have been considered. The disciplinary authority, in accordance with the procedure, has recorded the finding of removal of the petitioner from service. Thereafter, the petitioner has approached the appellate authority by filing his appeal against the order of the disciplinary authority which is Annexure 13 of the writ petition. From perusal of the same, it is clear that no demand was made by the petitioner or any grievance was raised with regard to denial to produce any witness or documentary evidence before the disciplinary authority. Rather the petitioner has made a peculiar prayer that the person (impersonator), whom he has called to appear in the physical test on his behalf, has not been examined. Other than that, no other demand has been made nor has any grievance been raised in the appeal. The appellate authority, considering the aforesaid situation and the contentions of the petitioner in the appeal, has passed a detailed and considered order upholding the punishment of removal from service.

4 Senior Counsel for the petitioner submits that the petitioner was not allowed any opportunity to produce any documentary evidence or witness on his behalf. As noticed above, no such prayer was made before the disciplinary authority or any



grievance to the effect has been raised in the appeal.

5 In view of the aforesaid submission and having considered the matter, as aforesaid, no procedural infirmity is made. Both the orders of the disciplinary authority and the appellate authority are well considered orders after affording reasonable opportunity to the petitioner. The orders have been passed also relying upon some admissions made by the petitioner (Annexure I to the counter affidavit).

6 It may be noted here that the order passed by the appellate authority dated 26.08.2014, which was filed in the counter affidavit in July 2015, has not been challenged by the petitioner.

7 For the reasons aforesaid, there is no scope for interference by this Court invoking jurisdiction under Article 226 of the Constitution.

8 The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2018
Transmission Date	NA

