

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3859 of 2004**

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Ashok Kumar Paswan alias Ashok Kumar, son of Sri Rameshwar Das,  
Resident of village Kol Siding, P.S. Mokama, P.O. Mokamaghat, District-  
Patna

... .. Petitioner/s

Versus

1. The Union of India, through Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. The Director General, C.R.P.F., Block-01, C.G.O. Complex, Lodhi Road, New Delhi.
3. The Inspector General of Police, C.R.P.F., Beli Road, Jagdeo Path, Patna-14
4. The Deputy Inspector General of Police, C.R.P.F., Beli Road, Jagdeo Path, Patna-14
5. The Additional Deputy Inspector General of Police, Group Centre, C.R.P.F., Muzaffarpur
6. The Assistant Commandant, Group Centre, C.R.P.F., Muzaffarpur

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Sidhendra Narayan Singh         |
| For the UOI          | : | Mr. Anjani Kumar Sharam, Asst. S.G. |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL JUDGMENT**

**Date : 24-08-2018**

The present writ petition has been filed for quashing the order of punishment of removal from service dated 19.09.2000, appellate order dated 31.07.2001 and the order passed by the authorities on the memorial filed by the petitioner dated 22.12.2003.

2. The brief facts of the case are that a departmental proceeding was initiated against the petitioner vide order dated 11.04.2000 and charge-sheet was served upon the petitioner on the allegation of being absent in an unauthorized manner. The inquiry officer had conducted the inquiry and submitted his inquiry report whereby and whereunder all the charges levelled against the petitioner were found to have been proved beyond any doubt. It appears that the disciplinary authority had then



provided a copy of the inquiry report to the petitioner vide letter dt. 1.8.2000 and the petitioner was requested to submit his reply / representation in response to the report of the inquiry officer within a period of fifteen days. Thereafter, the petitioner had submitted his reply and then the order of removal from service was passed by the disciplinary authority which is dated 19.09.2000. The petitioner had filed an appeal, but the same was dismissed by an order dated 31.07.2001 and thereafter, the memorial filed by the petitioner was also dismissed on 22.12.2003.

3. The learned counsel for the petitioner has submitted that the punishment awarded to the petitioner is disproportionate to the allegations levelled against him and the inquiry was also conducted in an ex parte manner.

4. Per contra, the learned counsel for the Respondents has submitted that the petitioner was granted several opportunities, as is apparent from the order of punishment dated 19.09.2000 and the appellate order dated 31.07.2001 as also the memorial order dated 22.12.2003, but despite sufficient opportunities granted to the petitioner, the petitioner did not turn up in the inquiry, hence, there was no option but to conclude the inquiry proceedings in an ex parte manner. The learned counsel for the



respondents has further submitted that the petitioner is a habitual offender and in the past also, on several occasions, punishment has been inflicted upon the petitioner and in fact, by an order dated 13.05.1995, the petitioner was dismissed from service earlier also, however, upon appeal, this punishment was reduced, but still the petitioner did not mend his ways, hence, no leniency should be shown to the petitioner.

5. I have heard the learned counsel for the parties and perused the materials on record and I find that there is no irregularity or illegality in the conduct of the departmental proceedings in the present case, the charges levelled against the petitioner have been proved beyond doubt and no lenient view can be taken in the matter inasmuch as in a disciplined armed force / police force, no indiscipline can be tolerated.

6. Having regard to the facts and circumstances of the case, there is no merit in the present writ petition, hence, the same is dismissed.

**(Mohit Kumar Shah, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 27.08.2018 |
| Transmission Date | NA         |

