

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20102 of 2010

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Kaushal Kishore Singh, s/o late Kapildeo Singh, r/o vill-Kothia Naraon, PS-Awtar
Nagar, Dist-Saran Chapra Petitioner/s

Versus

1. The State of Bihar through the Director General and Inspector General of police, Bihar.
 2. The Deputy Inspector General of Police, Champaran range, Bettiah
 3. The Superintendent of Police, Motihari Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra

For the Respondent/s : Mr. Rajendra Prasad (AAG1)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 23-08-2018

1. The petitioner, by way of the present writ petition, has challenged the order dated 14.12.2002, whereby and whereunder the Superintendent of police, Motihari has dismissed the petitioner from his services.

2. The brief facts of the case are that the petitioner was initially appointed as a Constable on 20.10.1986 and had joined Police Line, Chapra. The petitioner, after completing his Lok Sabha election duty on 23.02.1998, had deposited his service rifle and cartridges in the Police Line at Motihari without any information to any authority of Bihar Police Administration and had then absconded. The petitioner was put under suspension vide order dated 09.09.1998 and a departmental proceeding was initiated against the petitioner herein. The Inquiry Officer had sent notice on the home address of the petitioner, intimating about the initiation of departmental proceeding



and informing about the next date of the inquiry, however the petitioner failed to appear in the proceedings nor he filed any show cause in response to the charges leveled against him. The Inquiry Officer had found the charges to have been conclusively proved and the petitioner was found to be absconding in an unauthorized manner for several years. The disciplinary authority had then issued a show cause notice to the petitioner vide letter dated 26.08.2001 seeking his response as to why he should not be dismissed from service. The disciplinary authority had passed the order of punishment dated 14.12.2002 dismissing the petitioner from his services. The petitioner had then filed an appeal which was dismissed by the D.I.G. Champaran Range, Bettiah by an order dated 14.05.2003, whereafter the petitioner had filed a memorial which was also dismissed by the D.G.P. by an order dated 01.08.2005.

3. The learned counsel for the petitioner has submitted that the impugned order of punishment of dismissal is fit to be set aside on account of the punishment of dismissal being disproportionate to the charges leveled against the petitioner herein.

4. *Per contra*, the learned counsel for the respondents has submitted that there is no lacuna in conduct of the disciplinary proceeding and the petitioner was given several opportunities to put forth his defense but since the petitioner had no defense, he had not filed any reply, however on the contrary, the father of the petitioner



had filed a petition dated 22.12.2001 admitting the continuance of the disciplinary proceedings against his son and stating that his son i.e. the petitioner herein is mentally ill. In such view of the matter, it is submitted that unauthorized absence of the petitioner from his services for several years is an admitted position in the present case, hence no mercy can be shown to the petitioner in view of the fact that maintaining discipline is a priority in any armed/ police force.

5. I have heard the learned counsel for the parties and gone through the records and I find that firstly, there is no procedural irregularity in the conduct of the disciplinary proceedings and secondly, it is an admitted position, not disputed by the petitioner, that the petitioner had remained absent from duty in an unauthorized manner and in that way, has been an absconder. This Court is of the opinion that the punishment of dismissal inflicted vide impugned order dated 14.10.2002 is just, equitable and requires no interference.

6. Accordingly, the present writ petition is dismissed, being devoid of any merit.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.10.2018
Transmission Date	NA

