

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10877 of 2014

Vinayak Badola Son of Sri Khaima Nand Badola Resident of Village - Mohanpur,
P.S. Cantt., Distt. - Dehradun (Uttarakhand)

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Home Affairs, New Delhi
2. The Director General, The Sashastra Seema Bal, New Delhi
3. The Inspector General, The Sashastra Seema Bal, Frontier Head Quarter, Patna
4. The Deputy Inspector General, Sector, Head Quarter, SSB, Muzaffarpur, Bihar
5. The Commandant, 44th BN The Sashastra Seema Bal, TAC, HQ, Muzaffarpur, Bihar
6. The Commandant, 44th BN The Sashastra Seema Bal, TAC, HQ, Chaprakata BONGAIGOAN (Assam)
7. Dy. Commandant (RO) Camp at SSB Camp Chaprakata

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Anjani Kumar Sharan (A.S.G.)
Mr. Manoj Kumar Singh, CGC

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 23-01-2018

Heard counsels for the petitioner and the Union of India.

2. The petitioner who was posted as a head constable at the relevant point of time in the Sashastra Seema Bal (hereinafter referred to as 'the SSB') had entered into Mahila Barrack in inebriated condition for which he was proceeded against under the SSB Rules.

3. Annexure 7 of the writ petition is the petitioner's admission of charges wherein he has clearly stated that he had entered into Mahila Barrack unknowingly to hide himself as he was in



inebriated condition and he was caught by the Mahila constable. The same is the allegation that he had entered into the Mahila Barrack in inebriate condition. For the said allegations the punishment of dismissal from service was awarded to him vide order no. 44 dated 06.05.2013 by the Commandant after conducting a proceeding in accordance with procedure prescribed under the SSB Rules. The petitioner thereafter, preferred an appeal before the DIG Head Quarter, SSB who after examining the issue passed the order dated 26.08.2013 whereby considering the punishment awarded by the Commandant to be harsh, has commuted the earlier punishment of “dismissal from service” into “removal from service”. Counsel for the petitioner submits that even this punishment is also too harsh.

4. This Court in view of the reasons assigned by the respondents in the counter affidavit, wherein it is specifically stated that such conduct of the petitioner amounts to a misconduct and was violative of order in the force refrains from interfering with the order of punishment. The SSB is primarily a disciplined force entrusted to maintain the security of the citizens and such action of the members of the force cannot be countenanced.

5. In view of the punishment having already been commuted and since there is no remedy provided under the statute



against the said order under which the punishment has been awarded, no relief can be granted to the petitioner.

6. Counsel for the petitioner submits that even this commuted punishment is too harsh and it is disproportionate to the allegations. This Court is conscious of its limitations to interfere with the quantum of punishment especially when the same involves a member of uniform disciplined force. However, it would be open to the petitioner to approach the Deputy Inspector General, Sector Head Quarter, SSB Muzaffarpur by making a representation for considering the award of a lesser punishment. Such liberty is being granted without expressing any merits on the claim of the petitioner which must be disposed off in accordance with law within eight weeks from the date of receipt/production of a copy of this order.

7. With the liberty as aforesaid, the writ petition is therefore, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.01.2018
Transmission Date	

