

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1670 of 2014

In

Civil Writ Jurisdiction Case No.13680 of 2007

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Mintu Kumar Son of Bhola Yadav Resident of village - Urain, P.S. Kajra,
District - Lakhisarai

... .. Appellant/s

Versus

1. The Union of India, through the Director General, Central Reserve Police Force, New Delhi
2. The Inspector General of Police, Bihar Sector, C.R.P.F., New Delhi
3. The Deputy Inspector General of Police, C.R.P.F., Muzaffarpur
4. The Commandant, 116 BN, C.R.P.F., C/o 56 A.P.O., Sri Nagar (Jammu & Kashmir)

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Deepak Kumar Advocate
For the Respondent/s	:	Mr. Sheo Shankar Pd. SC-8 Mr. Anil Kumar AC to SC-8
For the Union of India	:	Mr. Anjani Kumar Sharan ASG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 19-01-2018

Heard learned counsel for the parties.

The writ application of the appellant was dismissed vide order, dated 17.02.2014. Challenge in the writ application was the decision, dated 28.01.2003, passed by the Commandant, 116 Battalion, Central Reserve Police Force, Sri Nagar, who after



holding a regular departmental proceeding for charge of misconduct decided to dismiss the appellant from service. The appellant was a General Duty Constable and the hands of the authorities was forced, because he had a habit of over-staying, whenever leave was granted to him. It emerges from perusal of his original service record that even in the past, the authorities have thrice given him indulgence by regularizing the period of absence and on one occasion on payment of half salary. But these kind of indulgences made no difference so far as his misconduct was concerned, and, therefore, the disciplined force, to whom the appellant belonged, would not tolerate his indiscipline any more.

The Learned Single Judge has taken the factual aspect of the matter in detail and found no infirmity with the process and procedure adopted in the enquiry. He also got fortified with the view of the Hon'ble Apex Court in the case of *Union of India v. Bishamber Das Dogra*, reported in (2009) 13 SCC 102 as well as the decision rendered in the case of *Man Singh v. Union of India*, reported in (2003) 3 SCC 464 that people of the disciplined force in the habit of absentism are not required to be treated with a kid-glove.

After having heard learned counsel for the appellant and the Union of India, none of the reason assigned by the Learned Single Judge for refusal to interfere with the order of the disciplinary



authority, the appellate or revisional authority, suffers from any legal infirmity or irrationality, therefore, the Court has difficulty in bailing out the petitioner in the predicament which he is in, which in any way is his own creation.

The appeal does not have any merit and is, therefore, dismissed.

The original service record is returned to the counsel for the Union of India for safe keeping.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

skm/-

AFR/NAFR	N.A.F.R.
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