

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13159 of 2002

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Randhir Kumar

.... Petitioner/s

Versus

Union of India & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate
Mr. Sanjiv Kumar, Advocate

For the Respondent/s : Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-02-2018

Heard counsels for the petitioner and the Union of India.

2. Counsel for the petitioner submits that due to non-consideration of the certain medical documents which he has annexed in the writ petition as Annexure 3, the proceedings stand vitiated.

3. The other submissions made by the petitioner's counsel is that the order of dismissal is not sustainable in view of the proceedings having been conducted under Section 11 of the CRPF Act which does not mandate such order of dismissal. He submits that same could not only be done if proceedings have been conducted under Section 12. In support of his submission he has relied upon the judgment of this Court dated 24.09.2002 passed in C.W.J.C. No. 10674 of 2002.

4. This Court finds that the documents at Annexure 3 are



medical documents dated 22.04.2000 whereas the allegations are in relation to 05.02.2000 and 06.02.2000 i.e., prior to the issuance of said medical certificates. Therefore, whether the same have any relevance to the said occurrence and can in any way help the petitioner in his defence regarding none appearance before the authorities or to suggest that he was otherwise ill on the date of allegation, is not possible.

5. It is thereafter, submitted by the counsel for the petitioner that the punishment of dismissal is too harsh and has been inflicted without hearing the petitioner. He submits that he may be given an opportunity to persuade the authorities to reconsider the penalty which is disproportionate to the allegations.

6. In view of the limited jurisdiction of this Court to go into the quantum of punishment, this Court would grant liberty to the petitioner to approach the Deputy Inspector General of Police, CRPF respondent no. 3 by filing representation for reconsideration of the punishment and for considering his request for a lesser punishment. If such representation is filed by the petitioner within four weeks from today, the respondents will be obliged to consider the same and dispose off in accordance with law within a period of four weeks thereafter.

7. With the aforesaid direction, the writ petition is



disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.02.2018
Transmission Date	

