

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.304 of 2018

In

Civil Writ Jurisdiction Case No.5809 of 2009

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Upendra Rawat @ Upendra Singh Rawat Son of Late Garbhu Rawat resident
of village - Naradi, P.S. - Chakai, District - Jamui, Bihar.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Department of Home, New Delhi.
2. The Director General of Central Industrial Security Force, New Delhi.
3. The Inspector General Central Industrial Security Force, Head Quarter,
Eastern Sector Patliputra Colony, Patna.
4. The Deputy Inspector General Central Industrial Security Force Eastern Zone
Patliputra Colony, Patna.
5. The Commandant Central Security Force Unit CTPS Chandra Pura Bokaro
(Jharkhand).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Kishore Prasad Sinha, Advocate
For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-07-2018

Considering the fact that the learned Writ Court has



taken note of the allegations made in the departmental proceeding which were proved and finding the Disciplinary Authority to have conducted the proceedings in accordance with law and thereafter the Appellate and Revisional Authority to have taken action for imposing the punishment of compulsory retirement after following the due process of law, now because the petitioner is acquitted in the criminal case of some charges, that cannot be a ground for reopening of the matter. It is a well settled principle of law that even after acquittal in the criminal case the department for service misconduct is free to proceed in the matter. In this case, even before the criminal case could be concluded, the petitioner's departmental proceedings culminated and the misconduct being proved the impugned action was taken against him. All these aspects having been taken care of and noticed by the learned Writ Court, we see no reason to make any indulgence into the matter. However, in case the petitioner feels that because of his acquittal in the criminal case he warrants a sympathetic consideration, it is for the petitioner to represent before the competent authority of the department and it would be for the competent authority to take action in the matter in accordance with law. As far as the present appeal is concerned, finding the action taken to be in accordance with



law, we see no reason to make any indulgence.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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