

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8918 of 2017

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Krishan Singh son of Late Kantto Singh Resident of Village Mirzapur, P.S. Budgaon, District Saharanpur (UP).

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home, New Delhi.
2. The Director General of Police Central Reserve Police Force, New Delhi.
3. The Special Director General of Police, Central Zone C.R.P.F. Kolkata (W.B.).
4. The Inspector General of Police Force, Bihar Sector Central Reserve Police Force, Patna, Bihar.
5. The Deputy Inspector General of Police, Central Reserve Police Force , Muzaffarpur.
6. The Deputy Inspector General of Police, Group Centre Central Reserve Police Force, Range Muzaffarpur.
7. The Commandant, 131, Batallion, Central Reserve Police Force.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr. S.D Sanjay (ADDL. SOC. GEN.)
Mr. Awadhesh Kumar Pandey, SCGC
Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 03-08-2018

Heard learned counsel for petitioner and learned counsel for the Union of India.

In the present writ petition, petitioner is challenging the order dated 30.07.2016 contained in office order no. P.8 131/2016 Est. 03 passed by the Deputy Inspector General of Police Force (respondent no.5), whereby and whereunder he has inflicted the punishment of stoppage of one increment for one year with cumulative effect.

Against that petitioner filed an appeal that has been rejected



vide office order no. 12-131KS/16 Bi Se Estab – 03 dated 27.10.2016 by the Appellate Authority i.e. Inspector General of Police by which he has affirmed the order of the Disciplinary Authority and against that petitioner has filed revision before the SDJ CZ CRPF, Kolkata and vide order dated 14.06.2017 (Annexure 11) the same has been rejected.

The petitioner is a member of Central Reserve Police Force, at the relevant time he was attached with Batalian No. 131 was posted in Jamui District. Information was received about the presence of Naxalite and in pursuance thereof on 26.05.2015 the Batalian has gone for combating search operation against the Naxalite.

During combing operation the petitioner and three others were to cover the rear portion of the house, with a view to nab whoever would try to escape the cordon, after combing operation when troops were returning, four persons were left there. Later on it transpired that four members remained there, member of the police forces again went there collect them, returned safely to the camp. Allegation has been made that while returning the camp, he misbehaved with the Commandant which led to initiation of a departmental proceeding of misbehaving with his high official. Being a member of disciplined force, he is not supposed to misbehave with the senior even though they were left by mistake while returning to camp. There is no dispute



of fact that the petitioner was served a chargesheet, in his presence, prosecution witnesses were examined and he was given full opportunity to cross-examine the witnesses. He was also allowed to examine his witness and after conclusion of the proceeding inquiry officer submitted the inquiry report.

A second show cause was served to petitioner alongwith enquiry report and after looking to the entire facts and circumstances, the disciplinary authority has passed order of the punishment of stoppage of one increment for one year which is minor in nature.

Against that the petitioner exhausted all remedies and submitted that he has not misbehaved and abused his senior but he has raised voice in high pitch which was natural reaction as they would have been killed by Naxalite, had they knew that four persons were left and rest persons of the company returned to the camp. But during the cross examination, Commandant has given explanation that it would not happened as all the four persons were completely trained police personnel having sufficient quantity of ammunition. Commandant on counting found, four persons were missing, returned the jeeps for their rescue.

This matter is closely connected with disciplinary action against members of Para Military Forces and this Court would not act as an appellate Court that too in a situation when a minor penalty has been



awarded to the petitioner for the misbehavior with his higher official.

Learned counsel for the Union of India submits that it is not the first time, earlier he has also misbehaved with his senior.

Looking to the facts this Court is not inclined to interfere with the order of punishment of the appellate authority.

Accordingly this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.8.2018
Transmission Date	NA

