

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.277 of 2018

IN

Civil Writ Jurisdiction Case No. 6301 of 2012

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Santosh Kumar Singh, Son of Sri Ram Kumar Singh, Resident of Village-Majhaua,
Police Station-Ara Town, District-Bhojpur.

.... Appellant/s

Versus

1. The Union of India
2. The Director General, C.I.S.F. New Delhi.
3. The Senior Commandant, C.I.S.F. R.T.C., Arrakonam
4. The D.I.G., Training Centre, C.I.S.F. Head Quarters, New Delhi.
5. The D.I.G., Principal C.I.S.F., Security Campur, District-Vellore (Tamil Nadu)

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Narayan Singh, Sr. Advocate
Mr. Jai Shankar Pathak, Advocate
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)
Mr. Anshuman Singh, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 18-07-2018

Challenge in the present Letters Patent Appeal is to the judgment dated 24.01.2018 passed in C.W.J.C. No. 6301 of 2012. The learned Writ Court has, by the impugned judgment, refused to quash the order of punishment passed by the Appointing Authority, terminating the service of the petitioner.

2. From the pleadings available on the record it is found that the petitioner was selected pursuant to the advertisement dated 15.03.2008, he was sent for training but in course of training he



felt highly disturbed mentally and physically and was not in a position to undertake training and feeling that he may die so after verbally intimating he left the center on 14.10.2008. It is the plea of the petitioner that the petitioner was under treatment in Sadar Hospital, Ara and thereafter he went to join his duties but he was not allowed to enter into the center, therefore he came back and sent a registered letter to the respondents.

3. The service of the petitioner was terminated but for interference made by this Court in L.P.A. No. 1179 of 2009 vide an order dated 15.07.2011 the matter relating to termination of the petitioner was considered afresh by fresh notice to the petitioner as per Rule-25 of the C.I.S.F. Rules, 2001. On receipt of a reply on behalf of petitioner in terms of order of this Court, the same was considered, however the Senior Commandant passed the order of termination of service of the petitioner on 13.01.2012. The petitioner filed an appeal, which was also dismissed vide order dated 18.07.2014.

4. Learned Writ Court found that the petitioner was a probationer and being a member of the disciplined force, during the period of probation if he left the training center and has not been found fit for the post, no interference is required with the order of termination.



5. Mr. Rajendra Narayan, learned senior counsel representing the appellant submits that after the order was passed by this Court in L.P.A. No. 1179 of 2009 the appellant was served with a notice dated 19.11.2011 from the office of DIG, CISF but the said show cause notice did not contain any reasons and the order of termination has been passed without giving any reason based on the show cause notice.

6. On the other hand, Mr. S.D. Sanjay, learned Additional Solicitor General assisted by Mr. Anshuman Singh, learned Central Government Counsel submits that the petitioner was served with the show cause notice and pursuant to that show cause notice he had submitted a reply as contained in Annexure- 11 to the Writ Application. In his reply he reiterated his plea that he was admitted in Sadar Hospital, Bhojpur on 16.10.2008 and was suffering from *Jaundice*, he was advised one month bed rest and thereafter was given a fitness certificate but when he went to join the training at R.T.C. Arakkonam on 07.11.2008, he was not allowed to join. It is pointed out that the reply of the petitioner was duly considered by the competent authority while passing the order dated 13.01.2012 as contained in Annexure- 12 to the Writ Application.

7. Having heard learned counsel for the parties and on perusal of the records, we find no reason to interfere with the



impugned judgment of the learned Writ Court and, therefore, we do not interfere with the same. It is, however, left open for the competent authority to consider the case of the petitioner, if the competent authority would be willing to consider the case of the petitioner, however we would not issue any direction to that effect.

8. This Letters Patent Appeal is disposed off, accordingly.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-
Ved/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2018
Transmission Date	

