

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.931 of 2017

In
Civil Writ Jurisdiction Case No.3529 of 2009

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Yadav Krishna Mohan, Force No. 065208449, S/o Sri Ram Vilash Yadav,
Resident of Village- Chakri, P.S.- Darauli, District- Siwan.

... .. Appellant/s

Versus

1. The Union of India, through the Secretary, Department of Home New Delhi.
2. The Director General of Police, Central Reserved Police Force, C.G.O. Complex, New Delhi.
3. Inspector General of Police, B/ Sector, Central Reserved Police Force, Digha, Patna.
4. The Deputy Inspector General of Police, Group Centre, Central Reserved Police Force, Muzaffarpur, Bihar.
5. The Additional Deputy, Inspector General of Police, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Akhileshwar Singh, Advocate
For the Respondent/s	:	Mr. Anjani Kr. Sharan, ASG Mr. R.K. Sharma, CGC

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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 : 27-04-2018

Heard learned Senior Counsel for the appellant and
counsel for the Union of India.

The order impugned is dated 26.04.2017, by virtue of
which the writ application of the appellant has been dismissed by
the learned Single Judge refusing to interfere with the order passed
by the D.I.G., CRPF, who in exercise of his power under Rule 5(1)
of the Central Civil Services (Temporary Service) Rules, 1965, has



dispensed with the services of the appellant after giving one month notice.

Since the appellant had not completed his training and had not acquired the status of a permanent Government servant, therefore, the exercise of power under Rule 5(1) mentioned above has been rightly exercised. If the appellant did not complete his training successfully, for whatever be the reasons, then the provision made in the statute by the Legislatures is to take care of such contingencies.

The alternative argument made by the learned Senior Counsel is that since he had suffered certain injuries during course of training and if it was held that he was incapable of performing his regular duty then his interest should be protected under the Persons with Disabilities(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Such a submission is a far-fetched submission for the simple reason that the applicability of the Act, 1995 itself is a question to be answered.

There are certain exemptions which has been granted with regard to applicability of the Act to certain organizations and establishments which includes paramilitary force. In addition to that, since the appellant had not acquired a permanent status under



the respondents Union of India, the question of alternative employment etc. under the Act does not come into play.

The impugned order of the learned Single Judge to that extent is not required to be interfered with. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
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