

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11191 of 2001

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings of the 3rd respondent dated 24.03.2000, as confirmed by the 2nd respondent vide proceedings dated 11.08.2000, as illegal and arbitrary.

2. Heard Sri J.V.Prasad, learned counsel for the petitioner, and Sri K.Padmanabha Goud, learned counsel for the respondents.

3. It has been contended by the petitioner that he was initially appointed as Constable in Central Reserve Police Force and, later on, promoted as Launu Naik in the year 1995. While he was discharging his duties, the 3rd respondent suspended him from service vide proceedings dated 06.10.1999 on the allegation that he attacked one Mr. Ayubhkhan, Constable (CRPF). Thereafter, a charge sheet was issued against him and an enquiry was conducted. The Enquiry Officer submitted his report dated 02.02.2000 to the 3rd respondent. The 3rd respondent remitted the case back to the Enquiry Officer to substantiate the portion of a charge that the petitioner made an unsuccessful attack on Mr. Ayubhkhan. On that, the enquiry was reopened and the Enquiry Officer again submitted his report dated 04.03.2000 to the 3rd respondent. Basing on the same, the 3rd respondent removed him from service vide order dated 24.03.2000. Aggrieved thereby, he preferred an

appeal to the 2nd respondent and the same was rejected vide orders dated 11.08.2000. Challenging the same, the present writ petition is filed.

4. The grievance of the petitioner is that the punishment imposed on him is shockingly disproportionate to the charges leveled against him.

5. Learned standing counsel for the respondents has contended that the petitioner absented from duty from 06.10.1999 to 29.10.1999 without any leave application and the CRPF being a disciplined force, the conduct of the petitioner is not permissible, that since the charges framed against the petitioner were proved during departmental enquiry, the petitioner was removed from service as per the provisions of CRPF Rules, 1955, that the petitioner in his representation/submission dated 21.03.2000 to the enquiry report specifically stated that he committed the offences due to loss of mental balance, that the punishment imposed on the petitioner is in commensurate with the gravity of the offences committed by him, and that the respondents have rightly passed the impugned orders and, therefore, they do not warrant any interference from this Court.

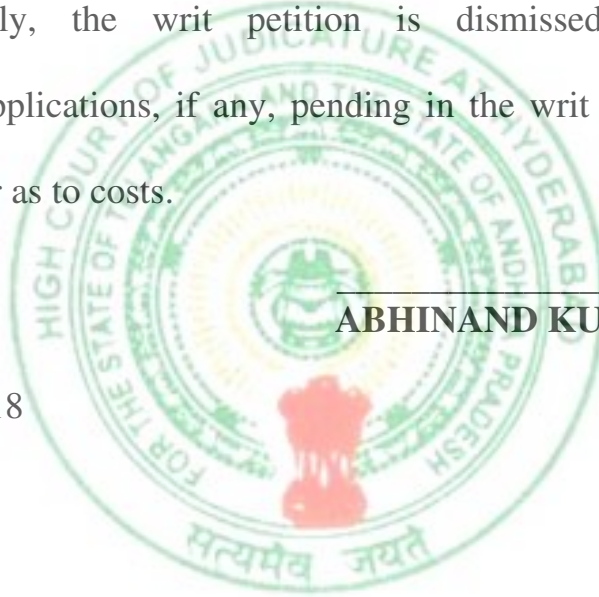
6. I have considered the submissions made by the parties and perused the record. Insofar as the contention of the petitioner that the order of removal is shockingly disproportionate to the charges leveled against him, is concerned, this Court feels that the punishment of removal is not disproportionate for the proven charges in the enquiry, as the Enquiry Officer has proved the charges framed against the petitioner after considering all the material and oral and documentary evidence adduced in

the enquiry. The CRPF being a disciplined force, attacking on any person without lawful orders by service rifle and desertion from the force without any leave application are serious offences and such offences cannot be viewed leniently. Further, the petitioner vide his letter dated 21.03.2000 accepted his guilt and admitted the charges framed against him. Moreover, nowhere in the writ affidavit, it was alleged that the principles of natural justice were violated, while conducting disciplinary proceedings against the petitioner. The writ petition is devoid of merits and liable to be dismissed.

7. Accordingly, the writ petition is dismissed. Consequently, miscellaneous applications, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

11th October, 2018
cbs



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