

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3502 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the proceedings No.V-15014/VSP/AD.II/Maj-01/2001/11176, dated 5.11.2001 issued by the 1st respondent and also the proceedings No.11014/99/2001/L & R (SZ)/249 issued by the 2nd respondent, dated 31.12.2001, and to quash the said proceedings by holding them as arbitrary and illegal.

2. Heard Sri D. Krishna Murty, learned Counsel for the petitioner and Sri S.S. Varma, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was appointed as a constable in CISF on 15.7.1985 and he was promoted as head constable in the month of October, 1996. While the petitioner was discharging his duties as head constable, the 1st respondent issued a charge memo on 28.8.2001 alleging that the petitioner had acted with gross indiscipline and misconduct and he went to the residence of the Inspector at about 1.50 hours on 20.8.2001 and created nuisance at the residence of the Inspector and thereafter, he went to the Unit lines at about 02.00 hours on the same day and broke the

wind screen of CISF Jeep, and therefore, the said act of the petitioner was construed as misconduct. The petitioner submitted an explanation on 8.9.2001 and thereafter, being not satisfied with the explanation submitted by the petitioner, the 1st respondent initiated disciplinary proceedings, and after conducting a departmental enquiry, the 1st respondent imposed major punishment of removal from service vide order dated 5.11.2001, upon which, the petitioner preferred an appeal before the 2nd respondent-appellate authority and the said appeal was also rejected. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned Counsel for the petitioner that on the date of alleged incident, the petitioner requested to cancel his transfer orders and that the respondents construed the said request as an assault on the superior officers and that the petitioner has rendered 16 years of service and in his entire service, it was the lone incident, and the punishment of removal is shockingly disproportionate to the charge leveled against the petitioner and therefore, a lenient view may be taken.

5. The learned Standing Counsel for the respondents contended that the petitioner being a head constable in a disciplined force, he cannot take lathi in aggressive mood so as to threat the superior officers and break the properties of the respondents and therefore,

the punishment imposed against the petitioner is very proportionate and it does not warrant any interference.

6. This Court having considered the submissions made by the parties is of the view that the petitioner being a part of disciplined force is expected to perform his duties by following the discipline of the force. The petitioner ought not to have indulged himself in indisciplined activities and he ought not to have threatened the superiors and created nuisance at the residence of the superior officer. In view of the same and in view of the nature of the proven misconduct of the petitioner, this Court is not inclined to interfere with the proceedings impugned.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

Dated: 10. 9.2018.
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10/09/2018

Nn.