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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12003/2018**

JEETU RAM MANJHI Petitioner
Through Dr.Kedar Nath Tripathy, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through Mr. Amrit Pal Singh, Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **15.11.2018**

1. The Petitioner has approached this Court for questioning a removal order dated 22nd January, 2011 and reinstatement in the Indo Tibetan Border Police ('ITBP') with full seniority and other consequential benefits.

2. The impugned order notes that the Petitioner had been 'absenting from leave from 19th April, 2010 without any information and permission of the competent Authority.' He had sent a leave application through fax on 20th April 2010 and 21st April 2010 stating that he would report on 21st April, 2010 but he did not do so. He again faxed an application on 4th May, 2010 for extension of his leave for fifteen days but despite the passing of nine months thereafter, he did not report for duty. Memos were issued to him repeatedly asking him to report at the Batallion Headquarters. He was declared a deserter from 19th April, 2010, when he had failed to report.

3. Before his removal, a notice dated 26th October, 2010 was also published in the local newspapers and other leading newspapers in respect of the above facts. Thereafter he was removed from service by the impugned order. The main reason for removal is the unauthorised absence for a period of 279 days from 19th April, 2010 till the date of his removal i.e. 22nd January, 2011.

4. The Petitioner has no satisfactory explanation for his conduct except stating that on 21st April, 2010 he suddenly fell ill and suffered from high fever and that he reached the Batallion in the month of May, 2010 but “he was slightly mentally disturbed and thus was not allowed to enter the Batallion campus”. It is further claimed that he became “more mentally disturbed and he neither returned at his house nor could enter the Batallion campus.” At no point in time, the Pettioner offered any explanation for his absence. His conduct was indeed unbecoming of a member of the ITBP and in the circumstances the Court finds no infirmity in the impugned order removing him from service.

5. The petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 15, 2018

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