

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.512 of 2018

In

Civil Writ Jurisdiction Case No.4049 of 2018

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Jagbir Singh, S/o Sri Hiral Lal, R/o Gali No. 30/B, Swatnatra Nagar, Near Bharat Mata Mandir, Narela, Delhi- 40, and permanent resident of Village-Saidpur, P.S.- Kharkhoda, District- Sonapat Haryana.

... .. Appellant/s

Versus

1. The Union Of India through the Secretary, Ministry of Home Affairs, North Block, New Delhi
2. The Director General, Central Industrial Security Force, Ministry of Home Affairs, North Block, New Delhi
3. Inspector General, Central Industrial Security Force, Eastern Zone Headquarter, C.I.S.F. Office Complex, Patliputra, Boring Road, Patna
4. Deputy Inspector General, Central Industrial Security Force, Eastern Zone Headquarter, C.I.S.F. Office Complex, Patliputra, Boring Road, Patna
5. Commandant, Central Industrial Security Force, Unit BALCO, Korba, P.S. and District- Korba (Chhattisgarh)
6. Assistant Commandant-cum-Inquiry Officer (Sri Raj Singh Khandsia), Central Industrial Security Force Unit, BALCO, Korba, P.S. and District- Korba (Chhattisgarh)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Sinha, Advocate
Mr.Arvind Kumar Sharma, Advocate
For the Respondent/s : Mr.S.D Sanjay, Addl. Soc. Gen.
Mr. Ansuman Singh, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-05-2019

Heard Shri Pramod Kumar Sinha, learned counsel
for the appellant and Shri S.D. Sanjay, learned counsel for the
respondents along with Shri Ansuman Singh, learned Counsel at
length.



The appellant was subjected to disciplinary proceedings on the charge of a prolonged absence of nine months without explanation. The appellant relied on a medical certificate which advised him nine months rest. After the enquiry was held it was concluded that he was absent for 272 days and accordingly he was removed from service. The appeal filed against the order of punishment and the revision also ended in dismissal.

A writ petition was filed challenging the said orders that was dismissed at several forums simultaneously and ultimately by the Division Bench of this Court in L.P.A. No. 1394 of 2013 vide a judgment dated 16.11.2017.

While disposing of the appeal, the Division Bench observed that the appellant had given certain justification for his absence and therefore the department may consider and pass an appropriate order on the quantum of punishment only. The appellant approached the higher authority who has considered the grievances of the appellant and has dismissed the representation clearly indicating that the CISF being a disciplined force, it will not be appropriate on the facts of the present case where the appellant voluntarily absented himself from duty to be given a lesser punishment. The learned Single



Judge has agreed with the same. Hence, this appeal.

We have considered the submissions raised and we agree with the learned Single Judge that the merits of the punishment order cannot be gone into whereby the appellant had been removed from the service. Thus, the findings stand concluded in so far as the removal of the appellant is concerned based on such findings and on the issue of quantum of punishment, we find that the authority concerned has given a cogent reason and, therefore, the learned Single Judge has not committed any error in declining to exercise discretion.

The appeal, therefore, lack merits and is accordingly, dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Jagdish/PNM

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