

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6401 of 2011

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Satish Kumar Singh Late Indradeo Singh R/O Village- Karath, P.S- Tarari,
District- Bhojpur at Arrah. Petitioner/s

Versus

1. The Union Of India
 2. The Directorate General Central Reserve Police Force, C.G.O. Complex,
Lodhi Road, New Delhi
 3. The Inspector General Of Police, Bihar Sector, C.R.P.F, Patna.
 4. The Additional Deputy Inspector General Of Police, G.C., CRPF,
Mokamaghat, Patna Bihar Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh
For the Respondent/s : Mr. S.D. Sanjay, Addl. S.G.
Mr. Rajesh Kumar, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 21-01-2019

Heard learned counsel for the petitioner and learned
counsel for the Union of India.

In the present case, the petitioner is challenging the order dated 26.10.2010 passed by the Inspector General of Police, who, in pursuance of the order dated 05.03.2010 passed by this Court in C.W.J.C. No. 768 of 2010 and also on the basis of the representation, has recorded that there is no cogent reason/material to interfere with the order of termination passed by the Additional Deputy Inspector General of Police, G.C., CRPF, Mokamaghat, Patna, Bihar vide order no. DV.3/2007-EC-V, which has been affirmed by Deputy Inspector General of Police dated 09.01.2011 informing that since there is no provision for revision under CCS (TS) Rules, 1956, no action can be taken on his petition under reference.



An advertisement was published for recruitment of Paramilitary Forces. In pursuance thereof, as per petitioner, he has filed application in May 2005. Accordingly, he was called for physical test, which was conducted on 31.12.2005. Merit list was prepared and published on 13.05.2006 and, accordingly, the appointment letter (Annexure 5) was issued. The petitioner was sent for training on 22.05.2006 and for special training on 10.10.2006, but he was terminated from services on 07.09.2007 in exercise of power under Rule 5(i) of Central Services (Temporary Services) Rules, 1965, after granting one month salary. Whereafter, the petitioner has filed an appeal before the Inspector General of Police, who has recorded in the order that he has failed to inform about the lodging of two criminal cases in the verification form dated 06.06.2006, which is the reason for exercising of power and terminated the service of petitioner under Central Services (Temporary Services) Rules, 1965, which was challenged before this Court in C.W.J.C. No. 768 of 2008. The Court has refused to interfere with the order of termination passed by the concerned Authority and in specific terms, it has been recorded that the Court would not go behind the order passed against the petitioner. It will be relevant to quote the order dated 05.03.2010 in extenso:

*“Having heard counsel for the petitioner
and the Union of India, I am not inclined to go behind*



the impugned order passed by the authorities including the appellate order but shall grant liberty to the petitioner to represent before the competent authority in the force to convince the authority about the fact that information about the complicity of the petitioner in the two cases was withheld by his brother from him and he could know about the two cases on 07.09.2007 when he moved bail petition in Tarai P.S. Case No. 32 of 2005 and prior thereto he had no information about his complicity in the two cases and that he submitted the verification roll completely unaware of his complicity in two cases.”

Only the liberty was given to the petitioner to satisfy the concerned Authority that while filling up the form at the initial stage as well as the stage of verification form, he had no knowledge of criminal cases, accordingly he filed the representation before the Inspector General of Police, who passed the following order:

“I have gone through the representation submitted by you with relevant records and do not find any cogent reasons/materials to interfere with the orders of termination passed by the Addl. DIGP GC CRPF Mokamaghat vide order No. D.V.-2/07-EC-V dated 07.09.2007 as well as order No. R.XIII. 1/(SKS)/07-EC-3 dated 21.02.2008 passed by the undersigned rejecting the appeal. As such no action is left to be taken by IGP B/S on the case.”

The learned counsel for the petitioner submits that when the matter was relegated for the limited purpose about the knowledge of the lodging of criminal cases, it is supposed that the order must disclose the reason for refusal to accept reasons



mentioned in the application filed by the petitioner. It would not be subjective satisfaction of the Authority but it is required objective satisfaction showing the reasons for not being satisfied about the knowledge of the petitioner in connection with the criminal cases.

Learned counsel for Union of India has submitted that with regard to the merit of termination order, the Court itself in a positive manner, refused to interfere with the order as the order passed under the Central Services (Temporary Services) Rules, 1965 as Rule 5 (1) empowers the competent authority to pass a non-stigmatic order of disengagement within two years after giving one month notice. So, there is no necessity to pass detailed order, detailed order is required to be passed only when the person is visited with the order of punishment or the same is stigmatic. In the present case, the order impugned is not stigmatic, in such circumstances, there was no need to pass detailed order about knowledge and information of the petitioner about the criminal cases which was lodged against him. In support of his submission he has reliance upon the judgment reported in **(2008) 17 Supreme Court Cases 125 (Union of India and Ors. Vs. Sukhen Chandra Das) and 2019 (1) PLJR 80 (State of Madhya Pradesh & Ors. Vs. Abhijit Singh Pawar).**



Learned counsel for the petitioner, in turn, has tried to persuade this Court by showing the order sheet of the court below that he had no knowledge. It is not satisfaction of the Court but satisfaction of the Authority about knowledge and information about the case inasmuch as when the cognizable criminal case was lodged, the police would take action in terms of the Code of Criminal Procedure and that too in a serious case when an FIR has been lodged against the person under the Arms Act.

So far the representation, which does not disclose the petitioner had attached the document with the said representation as well as there is no averment made in the present application about any document was attached with the said representation merely the representation has been filed without any documentary evidence supporting facts and this Court is not required to go into merit of representation. It is only the authority is to be satisfied with regard to the knowledge and information of the petitioner about the criminal case.

So far this Court is concerned, this Court is not dealing with the order of termination, but it is dealing with the manner the order has been passed after the case was relegated to the limited issue mentioned in the order dated 05.03.2010 passed by this Court.



Only the question for consideration before this Court as to whether the order discloses the application of mind of Inspector General or the order has been passed *ipse dixit*, in a cryptic manner. When the matter was remanded to concerned Authority for revisit on limited issue, it is supposed that the order must disclose reasons showing that he has applied his mind as reason is living link in between decision and decision maker. In such a situation, he was supposed to disclose the reasons showing that the petitioner failed to satisfy about having no knowledge of criminal cases for that issue, the case was referred back to the concerned Authority for fresh consideration.

Accordingly, the order dated 26.10.2010 is quashed without entering into the merit of the case. However, the petitioner will not be at liberty to file any additional representation or material and the Authority will confine his consideration to the fact mentioned in the representation (Annexure 11).

Accordingly, this writ application is allowed to the aforesaid extent.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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