

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1057 of 2014

In
Civil Writ Jurisdiction Case No.1798 of 2009

=====

Shashi Kumar Uttam Son of Late Sri Lakhan Paswan, village Dhamasang,
P.O.- Bhaganbhigha, P.S.- Rahui, District- Nalanda

... .. Appellant/s

Versus

1. The Union Of India
2. The Director General, Central Industrial Security Force, C.G.O. Complex,
Lodhi Road, New Delhi- 3
3. The Inspector General, Central Industrial Security Force, Eastern Sector,
Borind Road, Patliputra, Patna- 13
4. The Deputy Inspector General, Central Industrial Security Force, Eastern
Zone, Boring Road Patliputra, Patna- 13
5. The Group Commandant, Central Industrial Security Force, Group- Head
Quarter, Boring Road, Patliputra, Patna- 13.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Rajendra Narain, Sr. Adv. Mr.Nawal Kishor Singh
For UOI	:	Mr. S.D. Sanjay, ASG Mr. Ravindra Kr. Sharma Mrs. Priya Gupta.
For the Respondent/s	:	Mr.N. A. Shamsi A.S.G.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 22-11-2019 The appellant, through the present Letters Patent

Appeal, has prayed for the following relief:

“It is, therefore, prayed that your lordships
may graciously be pleased to admit this appeal call for
the records of the case and after hearing the parties be
further pleased to set aside the order/Judgment dated
14.5.14 passed in C.W.J.C. No. 1798 of 2009 by



Hon'ble Mr. Justice Chakradhari Sharan Singh and this letters patent appeal be allowed.”

Having heard learned counsel for the parties, it is seen that vide impugned judgment, assailed in the present appeal, the learned Single Judge, not finding favour with the appellant's contention, while rejecting the writ petition, affirmed the findings of the appellate authorities as also that of the disciplinary authority, imposing the punishment upon the appellant of removal from service. The disciplinary authority imposed such punishment vide order dated 21.1.2008 and the appellate authorities rejected the appeal vide orders dated 9.4.2008 and 22.8.2008.

Before us, Mr. Rajendra Narain, learned Senior Advocate, made two submissions – (a) reliance upon the purported audio cassette allegedly recording the misconduct of the appellant is a weak piece of evidence and (b) the complaint made against the appellant is a counter blast to an earlier complaint filed by the appellant against the complainant.

We are of the considered view that on both counts, the learned Single Judge has applied its mind and returned findings, which are cogent, reasonable and based on material facts. On the first point, the learned Single Judge rightly held that the guilt of the accused, in the disciplinary proceeding, stands established not only



on the basis of the audio cassette (Exhibit-P/3) but also other corroborative material, which, we are informed, are ocular in nature in the shape of the statements of the complaint.

At this stage, we find ourselves unable to be persuaded to examine the veracity and authenticity of such statement, for we see that both the disciplinary authority, the appellate authorities as also the learned Single Judge have fully appreciated such material facts. It is a question of fact, which we refrain from going into in the present appeal. Also, there is no perversity or gross illegality in the findings returned by the authorities.

In so far as complaint being a counter blast is concerned, we are again of the view that it is a question of fact. It is not expected of this Court to re-appreciate the evidence in its totality. No other point urged.

Accordingly, the instant appeal stands dismissed.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

