

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2006 of 2017

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Arun Kumar Pandey, S/o - Sri Sanjay Kumar Pandey, Resident of Village -
Janardhanpur, P.S. - Durgawati, District - Kaimur Bhabhua.

... .. Petitioner/s

Versus

1. The Union Of India through the Director General of Police, C.R.P.F., Ministry of Home, having its office at Block No. Central Office Campus, Lodhi Road, New Delhi, Road No. 3.
2. The Director General, C.R.P.F., Ministry of Home, having its office at Block No. - Central Office Campus, Lodhi Road, New Delhi, Road No. 3.
3. The Inspector General of Police, C.R.P.F., Southern Zone Hyderabad, Andhara Pradesh.
4. The Deputy Inspector General of Police, Group Centre, C.R.P.F., Gandhi Nagar, Gujarat.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate Ms. Rita Rai, Advocate Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay Addl. Soc. Gen. Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 15-11-2019

Heard learned counsel for the parties.

2. The petitioner has put to challenge an order dated 25.11.2016 which has been passed by the Inspector General of Police, Western Sector, Central Reserve Police Force, CBD Belapur, Navi Mumbai, whereby his case for review of earlier order has been rejected on the ground of absence of any provision for review under the extant Rules. This is to be noted that the petitioner was appointed as a Constable in CRPF and, subsequently, his service was terminated while on probation, by



the Deputy Inspector General, G.C. CRPF, Gandhi Nagar, in exercise of power under Rule 5(1) of Central Civil Services (Temporary Service) Rules, 1965.

3. The impugned order dated 07.12.2012 was challenged by the petitioner by filing a writ application before this Court giving rise to CWJC No. 938 of 2014. While rejecting the petitioner's case of violation of principles of natural justice in passing of the said impugned order dated 07.12.2012, this Court had clearly recorded in the order dated 17.01.2014, that a probationer had no right to hold a post and his service could be terminated without issuance of any show cause notice or without assigning any reason. It was also observed that question of interference by the Court in such exercise of power by the disciplinary authority, would arise only, when the order was found to be stigmatic and beyond jurisdiction.

4. A plea was, however, taken on behalf of the petitioner, in the previous proceeding before this Court, that similarly circumstanced persons had been granted relief by the appellate authority.

5. In the light of certain observations made in the order dated 17.01.2014, the petitioner appears to have approached the authority whereafter the impugned order dated 25.11.2016 has



been passed. It has been recorded in the order dated 25.11.2016 that since there was no provision for review of an order passed by the appellate authority, his representation could not be entertained. It also transpires that the petitioner had, as a matter of fact, filed a representation before the Deputy Inspector General of Police, CRPF, Gandhinagar, which was rejected by an order dated 19.5.2014, which has been brought on record by way of Annexure-E to the counter affidavit on the ground that the petitioner did not approach the Director General, CRPF, in the light of observation made by this Court regarding his reinstatement in service on the basis of his claim of maintaining parity with similarly situated persons.

6. Be that as it may, in the facts and circumstances of the case, particularly when the petitioner has not been able to establish his right to hold the post, I am not inclined to interfere with the impugned order.

7. This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18/11/2019
Transmission Date	N.A.

