

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.540 of 2018

In
Civil Writ Jurisdiction Case No.4594 of 2011

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Ranjit Kumar Jha [Force No. 913183207 (G D)], Son of Sri Harendra Jha,
Resident of Village- Fatehabad, P.S.- Senduary, District- Vaishali.

... .. Appellant/s

Versus

1. The Union of India, through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Director General, Central Reserve Police Force, C.G.O. Complex, Lodhi Road, New Delhi.
3. The Inspector General, Central Reserve Police Force, Bihar Sector, Patna.
4. The Inspector General, Central Reserve Police Force, Sri Nagar.
5. The Deputy Inspector General, Central Reserve Police Force, Bihar Sector, Patna.
6. The Deputy Inspector General, Central Reserve Police Force, Sri Nagar.
7. The Commandant, 21 Battalion, CRPF, C/o 56 APO, Sri Nagar.
8. Assistant Commandant, 21 Battalion, CRPF, C/o 56 APO, Sri Nagar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha, Adv.
For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 19-11-2019 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, issue notices to the respondents and after
hearing the parties and their advocates your
lordships may further be pleased to allow this



appeal and set aside the judgment and order dated 15.3.2018, passed by honourable Mr. Justice Vikash Jain in C.W.J.C. No. 4594 of 2011 (Ranjit Kumar Jha Versus, The Union of India and others),
And/or

May pass such other order or orders as your lordships may deem fit and proper.”

Heard learned counsel for the parties.

Assailing the judgment of the learned Single Judge, dated 15.03.2018, passed in C.W.J.C. No. 4594 of 2011, the learned counsel for the appellant invites out attention to Rule 27 of the Central Reserve Police Force Rules, 1955. According to learned counsel, there is infraction of such Rule inasmuch as the requisite 48 hour notice was not served upon the appellant.

Having perused the judgment, we find the contention to have been raised and aptly dealt with by the learned Single Judge in paragraph nos. 5 and 6 of the judgment, which read as follows:-

“5. Learned counsel for the respondents appears and vehemently opposes the writ petition, pointing out that the petitioner had been a habitually indisciplined person against whom departmental proceedings had been initiated in the past as well and he had already been inflicted with the punishment of stoppage of increments and also



with warning. As a matter of fact, the petitioner was liable to be dismissed but taking a compassionate view, the punishment of only compulsory retirement has been awarded to the petitioner. It is submitted that the charge memo was handed over to the petitioner as far back as on 08.06.2009 itself and on his refusal to receive the same along with the enclosure, the same was read over to him in presence of witnesses. The petitioner has consistently been refusing to receive the charge memo dated 05.06.2009. The charge memo with enclosure was once again sent to the petitioner along with a letter from the National Human Rights Commission which, upon refusal, was read over to him in presence of witnesses on 13.06.2009. Yet again on 19.06.2009, the charge memo with enclosures was sent to the petitioner through the Composite Hospital, Jammu but again the same was refused to be received and was read over to him in presence of witnesses. It is submitted that the petitioner subsequently refused to receive the letter dated 25.10.2009 requiring him to appear before the Enquiry Officer on 26.10.2009 and failed to appear as required. The petitioner's departmental enquiry started on 26.10.2009 but the petitioner refused to receive the copy of the statement of the prosecution witnesses and exhibits. The petitioner yet again refused to receive the letters dated 11.01.2010 and 15.01.2010 requiring him to submit his list of defence witnesses, exhibits



and whether any assistance was required. It was clear that the petitioner had misrepresented before the authorities while applying for extension of leave in the year 2007 on grounds of flood in his home area whereas his wife in her complaint letter wanted his leave to be extended on the ground of her illness. It is submitted that there is no violation of the Rules inasmuch as the charge memo along with enclosures was duly read out to the petitioner and the requirement of 48 hours' prior notice had duly been complied with on 08.06.2009 itself upon the petitioner's refusal to receive the same.

6. Having heard the parties and on a consideration of the materials on record, this Court is not inclined to interfere in the matter. The issue relating to violation of Rules involves a disputed question of fact as the categorical statement of the respondents that the charge memo dated 05.06.2009 along with its enclosures was duly read out to the petitioner has been seriously disputed by the petitioner. If the charge memo had been read out on 08.06.2009 as claimed on behalf of the respondents, the requirement of the Rules would stand satisfied and there would be no error in the decision making process. This foundational fact however itself is in dispute and this Court cannot enter into the arena of disputed questions of fact in writ jurisdiction."



Such findings of facts are not disputed before us. It is also not disputed that the appellant, at some point of time, was arrested. It is also not disputed that the memos were sent to him and that he has refused to accept the same. It is also not refuted that only after much persuasion and great endeavour, the contents of the memo were read over to the appellant. Not only that, he participated in the enquiry without any demur.

As such, for all the aforesaid reasons, we find no infirmity in the impugned judgment finding return thereof.

Accordingly, the instant appeal is dismissed.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Anil/Amrendra

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