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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1259 OF 2014

Const. Sahab Singh

..Petitioner

vs.

The Union of India & ors.

..Respondents

.....

Mr. A.S. Rao a/w. Ms. Pratibha Boarde for petitioner.

Ms. Neeta Masurkar for respondents.

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**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 7 FEBRUARY 2020

P.C.:-

By this Petition, the Petitioner, who was working as a Constable in the Central Reserve Police Force, has challenged the orders passed of his dismissal dated 22 July 2004, order of the Commandant dated 25 October 2004, order of the Appellate Authority dated December 2005 and the order passed by the Revisional Authority dated 26 September 2012.

2. A Departmental Inquiry was initiated against the Petitioner on two charges. One, that the Petitioner had assaulted the Guard Commander and misbehaved with the Platoon Commander on 4 July 2004 while functioning as a Constable. The second, that

when the punishment was awarded for misbehaviour and indiscipline, he refused to undergo the same. The Committee punished the Petitioner for an offence punishable under Section 11(1) of the Central Reserve Police Force Act.

3. In the inquiry, the Petitioner was given an opportunity to explain his conduct. After considering the explanation, the order of dismissal was passed. Thereafter, the Petitioner preferred an Appeal, which was dismissed. The Appellate Authority passed a detailed order considering the ground taken by the Petitioner. The Revisional Authority even though the revision was barred by time, condoned the delay and after examination of the contentions rejected the revision application.

4. Learned counsel for the Petitioner submitted that the Petitioner had admitted the charges and should have been given lesser punishment looking at the alleged misconduct which was not gross.

5. As far as the principles of natural justice are concerned, opportunity was given and reasoned orders are passed. Not only the Petitioner had misbehaved and assaulted the Guard Commander, when an punishment was imposed on him he refused to obey the same and during suspension period without

informing the Authorities left the Headquarters. The authorities, considering the need for discipline in the force, did not find that this behaviour could be condoned and that lenient punishment could be awarded. There is no error in the orders passed.

6. The Writ Petition is, accordingly, rejected.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)

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