

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.69 of 2019

In
Civil Writ Jurisdiction Case No.20102 of 2010

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Kaushal Kishore Singh, Son of Late Kapildeo Singh, resident of Village-
Kothia Naraon, P.S. Awtar Nagar, District- Saran Chhapra.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors through the D.G. and I.G. Bihar.
2. The D.I.G. Champaran Range, Bettiah.
3. The Superintendent of Police, Motihari.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Awadhesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr.
For the State	:	Mr.Sanjay Kumar Ghosarvey, Ac to AAG3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-07-2022

Heard learned counsel for respective parties.

In the instant appeal, appellant has questioned
the validity of the order dated 23.03.2018 passed in CWJC No.
20102 of 2010. The appellant while working as a Constable in
the Police Department he was subjected to disciplinary
proceedings and it was concluded in imposition of penalty or
dismissal from service on 14.12.2002. It was subject matter of
appeal before the DIG Champaran Range, Bettiah and it was
rejected on 14.05.2003. Thereafter, his memorial was rejected



on 01.08.2005, thus, petitioner presented CWJC No. 20102 of 2010 in the year 2010. There is a delay of five years in presenting the writ petition. No reasons have been assigned in respect of enormous delay of five years in presenting writ petition. The learned Single Judge has also decided case on merit. Para 4 of the order reads as under:-

“4. Per contra, the learned counsel for the respondent has submitted that there is no lacuna in conduct of the disciplinary proceeding and the petitioner was given several opportunities to put forth his defense but since the petitioner had no defense, he had not filed any reply, however on the contrary, the father of the petitioner had filed a petition dated 22.12.2001 admitting the continuance of the disciplinary proceedings against his son and stating that his son i.e. the petitioner herein is mentally ill. In such view of the matter, it is submitted that unauthorized absence of the petitioner from his services for several years is an admitted position in the present case, hence no mercy can be shown to the petitioner in view of the fact that maintaining discipline is a priority in any armed/ police force.”

Even there are no legal contentions against the punishment order and subsequently confirming such punishment order by the next higher authorities, so as to interfere in the orders of the authorities. Apex Court in the Case of **Union of India Vs. Balbir Singh & Anr.** reported in (2000) 10 SCC 611



and **Union of India & Ors. vs. M. Duraisamy** reported in **2022 (2) PLJR SC 383** wherein it is reiterated that the Courts and Tribunals should not interfere in disciplinary proceedings and re-appreciation of any evidence unless violation of any provisions of law and procedures. That apart there was delay of about 5 years in filing writ petition and it was unexplained.

In the light of these facts and circumstances, the appellant has not made out a case so as to interfere with the impugned orders of the authorities read with the order of the learned Single Judge dated 23.08.2018 passed in CWJC No. 20102 of 2010. Accordingly, appellant's appeal stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

