

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2422 of 2021

=====

Sunil Kumar Singh, Son of Late Kapildeo Singh, Resident of Village-Masadhi, Police Station-Gauri Chak, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through Director General of Police, Central Reserve Police Force, Directorate, New Delhi.
2. Inspector General of Police, Central Reserve Police Force, Bihar Sector, Ashiana Digha Road, Rajiv Nagar, Patna-24.
3. Deputy Inspector General of Police (Personnel-2) Directorate C.R.P.C. New Delhi.
4. Deputy Inspector General of Police, Group Centre, C.R.P.F. Mokamaghat, Patna.
5. Commandant 150 Bn. C.R.P.F. Dornapal Sukama (Chhatisgarh), Pin No. 494122.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s : Mr. Ratnesh Kumar, CGC

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-12-2022

Heard Mr. Jitendra Prasad Singh, learned counsel appearing on behalf of the petitioner and Mr. Ratnesh Kumar, learned CGC appearing for the Union of India.

2. The present writ application has been filed seeking a direction upon the respondents to sanction pension and all the pensionary benefits to the petitioner pursuant to the order dated 10.10.2020 passed by the respondent commandant by which voluntary retirement has been granted to the petitioner with effect from 31.10.2020, in view of the provisions laid down under Rule 43 of the Central Reserve Police Force Rules, 1955 read with Rule



48 of the Central Civil Services (Pension) Rules, 1972 and/or to grant any other relief or reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.

3. The grievance of the petitioner in narrow compass is that the petitioner was appointed as Constable in the Central Reserve Police Force and after serving the department sincerely, he requested for grant of voluntarily retirement under the provisions of C.R.P.F. Rules, 1955 in prescribed manner after completion of more than 25 years required service. After acceptance of the application filed by the petitioner for his voluntary retirement, he was directed to file requisite papers/documents in prescribed format, but the same could not be done and further an application has been filed by the petitioner to keep the application pending for some time, so that by the time he would be able to bring the requisite documents as required by the competent authority. Several affidavits have been filed by both the respective parties and allegation and counter allegation have been levelled against each other. Today a supplementary counter affidavit has been filed on behalf of the answering respondent no. 4.

4. Learned CGC by referring to Annexure J of the counter affidavit as also on the basis of the averments made in para



VI of the supplementary counter affidavit submitted that the ASI/GD Sunil Kumar Singh (petitioner) has already been directed to re-join his duty and submit an application for proceeding voluntary retirement afresh and to complete his pension paper, but he himself decided not to co-operate with the department and remained himself away from the normal and legal process of sanctioning pension to a pensioner and other benefits.

5. In view of the aforesaid submissions this Court directs the petitioner to approach before the commandant 150 Battalion, CRPF along with a fresh application for voluntary retirement, within a period of four weeks’.

6. It is needless to say that if a fresh application would be filed by the petitioner for voluntary retirement, the same would be considered without being pre-judice by the earlier orders passed by any of the authorities rejecting/negating the claim of the petitioner.

7. This writ application stands disposed of with hope and trust that the commandant 150 Battalion, CRPF shall consider the matter after taking into consideration the earnest submissions of the petitioner and shall pass a reasoned and speaking order, in accordance with law, preferably within a period of further four weeks’.



8. At this juncture, learned counsel for the petitioner submits that during the pendency of the writ application, as the petitioner was not present in the service, he has been declared deserter, though he was bonafidely pursuing his remedy before this Court. It is also expected by this Court that the authority concerned would also consider the fact that the petitioner did not remain absconder rather he has been pursuing his remedy, hence the concerned authority will also take a lenient view, after considering this aspect of the matter.

9. Accordingly, the present writ petition stands disposed of with the aforesaid observation and liberty.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2022.
Transmission Date	NA

