

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5073 OF 2022

(Pravin s/o Hanumantrao Tikhe vs. The Office of Special Director General and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri T. Deshpande, Advocate for petitioner.

Shri N.S. Deshpande, Assistant Solicitor General of India for respondents.

CORAM : A.S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATED : AUGUST 22, 2022

Heard Shri Deshpande, learned Counsel for the petitioner and Shri Deshpande, learned Assistant Solicitor General of India for the respondents.

2) The petitioner was appointed on the post of Constable with the Central Reserve Police Force. He remained absent from duty without prior permission on various occasions. His absence in the year 2006 was for 17 days, in the year 2008 for 19 days, in the year 2010 for 9 days, in the year 2011 for 213 days and in the year 2014 for 7 days. After holding departmental enquiry, punishment of dismissal from service came to be imposed. That order was subjected to departmental appeals and ultimately on 4/5/2020, the respondent no.1 was pleased to uphold the orders imposing such punishment.

3) On hearing the learned Counsel for the petitioner, we find that the fact that the petitioner was absent from duties without prior permission is undisputed. At some point of time he had taken treatment at the Government Hospital, but during absence for majority period, he got himself treated at private Hospitals. We find that the petitioner being a member of disciplined force, it was obligatory on him to comply with the necessary discipline at such force. In the enquiry held against the petitioner, due opportunity was granted to him. The Authorities have thereafter examined the entire record and on finding the petitioner absent from service for 307 days in aggregate have imposed the said punishment. We do not find any reason to interfere with the impugned orders. Though it was urged by the learned Counsel for the petitioner that punishment of dismissal from service was harsh, we do not find any reason to take a different view specially since the petitioner was holding the post of Constable with the Central Reserve Police Force. The writ petition is, therefore, dismissed.

JUDGE

JUDGE

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