

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.745 of 2019

In

Civil Writ Jurisdiction Case No.22553 of 2011

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Priti Kumari, female, aged about 31 years, D/o Sri Ram Chandra Singh,
Resident of Village and P.O. - Bihat, P.S. - Barauni, District – Begusarai.

... .. Appellant/s

Versus

1. The Union of India through the Ministry of Home Affairs, Government of India, New Delhi.
2. The Inspector General Eastern Zone (Headquarter), Central Industrial Security Force, Ministry of Home Affairs, Eastern Zone Headquarters, Boring Road, Patna.
3. The Deputy Inspector General Eastern Zone (Headquarter), Central Industrial Security Force, Ministry of Home Affairs, Eastern Zone Headquarters, Patna.
4. The Senior Commandant, Central Industrial Security Force, K.H.S. T.P.P., Kahalgaon, District - Bhagalpur.
5. The Commandant, Central Industrial Security Force, K.H.S. T.P.P., Kahalgaon, District - Bhagalpur.
6. The Assistant Commandant, Central Industrial Security Force, K.H.S. T.P.P., Kahalgaon, District - Bhagalpur.
7. The Inspector-cum-Enquiry Officer Central Industrial Security Force, K.H.S. T.P.P., Kahalgaon, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Adv.
For the Union of India : Mr. Anshuman Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 17-03-2023

Re. I.A. No. 1 of 2019 :-

The aforesaid interlocutory application has been filed seeking condonation of delay in filing the present appeal.

2. For the reasons stated in the application, the delay in filing the present appeal is, hereby, condoned.

3. The I.A. No. 1 of 2019 is allowed.

Re. L.P.A. No. 745 of 2019 :-

Heard Mr. Ajit Kumar Singh, the learned Advocate for the appellant and Mr. Anshuman Singh, the learned counsel for the Union of India.

2. The appellant a lady Constable in the C.I.S.F., who at the relevant time was posted at Kahalgaon at Super Thermal Power Plant, was dismissed



from service for having stolen an electric motor pump, which she had been found carrying with her in the van meant to carry mid-day meal and the vehicle was checked at one of the security posts.

3. The appeal and the revision against such order of dismissal failed.

4. The appellant, thereafter, preferred a writ petition before this Court *vide* C.W.J.C. No. 22553 of 2011, which too has been dismissed by judgment and order dated 29-04-2019, which has been impugned in the present petition.

5. Mr. Singh, the learned Advocate for the appellant has submitted that all the authorities as also the learned Single Judge did not take into account that there was no seizure-list of the electric motor pump and that one of the prosecution witnesses was actually alleged to have kept the motor pump in order to falsely frame the appellant as she, in the past, had protested against his immodest physical overtures.



6. The learned Single Judge, after having perused the successive orders dismissing the appellant, found that one of the witnesses, namely, Pawan Kumar Yadav, who had earlier testified to the fact that the appellant had boarded the van with a plastic bag, had later resiled from his statement and stated that the electric motor pump found kept in the vehicle was placed there by one Shamsheer Singh.

7. All the authorities have rejected the aforementioned statement.

8. We have also found that the appellant had made an upfront disclosure when questioned about the motor pump that it was her private pump, which she had carried, which statement completely belies her defense that she has been framed at the instance of one Shamsheer Singh.

9. The learned Single Judge was right in not interfering with the successive orders affirming the punishment of dismissal from service of a lady



Constable, who pilfered an electric motor pump from the Industrial concern, which she had the responsibility to guard.

10. No good ground has been made out for our interference with the order passed by the learned Single Judge.

11. There is no merit in this appeal and the same is, accordingly, dismissed, but without any order as to costs.

(Ashutosh Kumar, J)

(Partha Sarthy, J)

Praveen-II/Avinash

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