

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.836 of 2018

In

Civil Writ Jurisdiction Case No.16931 of 2015

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Amarjeet Kumar, son of Late Ram Sevak Yadav, resident of Village- Ganjas,
P.O. Sohiapur, P.S. Muffasil Gaya, District- Gaya, Pin Code No. 823003
Bihar.

... .. Appellant/s

Versus

1. The Union Of India through the Secretary, Department of Home Affairs
2. The Inspector General of Police, West Bengal Sector, C.R.P.F., H.C. Block,
Section- III, Salt Lake,
3. The Deputy General of Police, C.R.P.F. Group Centre, C.R.P.F. Silliguri, at
West Bengal.
4. The Commandant, G.C., C.R.P.F. Silliguri at West Bengal.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhinay Raj, Advocate

For the Respondent/s : Mr. S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-07-2023

The writ petitioner is in appeal challenging the order of the learned Single Judge refusing to interfere with the termination order by the respondent. On facts, it is to be noticed that the petitioner joined as a Constable (G.D.) in the selection conducted for the year 2013-2014, as per the appointment letter produced as Annexure-1 in the writ petition. The appointment of the appellant was provisional



and stated to be purely temporary in Annexure-1 order, subject to verification of the essential requirements for selection. Admittedly, the appellant joined on 11.11.2014 and proceeded on leave on 16.12.2014. The leave availed was for four days from 16.12.2014 to 19.12.2014. He never reported back for duty. The appellant was enjoined upon, even as per Annexure-2 to rejoin duty on 19.12.2014 at the evening roll call. The appellant did not so rejoin and was subsequently terminated by Annexure-3 on 13.01.2015. The appellant sought for reinstatement in service alleging that there was no opportunity of hearing given to the appellant before he was retrenched from service. The application filed was rejected by Annexure-4 order dated 26.05.2015. An appeal was filed from the orders dated 13.01.2015 and 26.05.2015, which was also rejected by order dated 24.07.2015, produced as Annexure-6.

2. Learned Senior Counsel appearing for the appellant before us submitted that the appellant was terminated under the Central Civil Services (Temporary Service Rules, 1965) while the Central Reserve Police Force Rules, 1955 (for brevity “CRPF Rules”) was



applicable to him. There was a further provision for revision provided under the CRPF Rules, which was not permitted to be availed by the learned Single Judge. The learned Additional Solicitor General, on the other hand, specifically pointed out Rule 16 of the CRPF Rules.

3. The learned Single Judge found that, immediately after his appointment, within a month the petitioner took leave and then was unauthorizedly absent. The long absence of the petitioner immediately after enlistment in the force was found to be a grave misconduct, unbecoming of a member of a disciplined force. Keeping in view the fact that the petitioner's appointment was provisional and was continued as temporary, subject to verification, a notice of termination simplicitor was issued without attaching any stigma. The learned Single Judge found that even in the appeal filed by the petitioner before the Inspector General of Police, he has admitted his absence and he only sought for a pardon, being his first mistake. Learned Single Judge found that the absence being admitted, there is no reason for toning down the punishment. It was also found that the last opportunity



under the Central Civil Services (Temporary Service) Rules, 1965, by way of an appeal under Rule 5 (2)(a) having been afforded to the petitioner, there could be no further remedy provided under the CRPF Rules.

4. We are also not convinced that the appellant's case on the admitted facts require any sympathetic consideration. As far as the applicability of CRPF Rules, 1955, any person enrolled in the CRPF, for a period of three years shall be liable to discharge at any time on one month's notice by the appointing authority. At the end of the three-year period, if a person is not given substantive status, then he shall only be considered for *quasi permanency* under the provisions of the CCS (Temporary Service) Rules, 1965. Admittedly, the petitioner was not given substantive status nor was he declared as *quasi permanent*, as he was merely appointed as a temporary employee subject to verification of credentials and before even such verification was taken up, he absented himself. As per Rule 16, those who are temporary would be liable to be discharged on one month's notice. Any person who has not been given a substantive status, hence would be covered under the CCS (Temporary



Service) Rules, 1965.

5. We find absolutely no reason to interfere with the judgment of the learned Single Judge and dismiss the appeal affirming the said judgment.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

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CAV DATE	
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