

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1681 of 2019

In
Civil Writ Jurisdiction Case No.2006 of 2017

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Arun Kumar Pandey Son of Sri Sanjay Kumar Pandey, Resident of Village -
Janardhanpur, P.S. - Durgawati, District - Kaimur, Bhabhua.

... .. Appellant/s

Versus

1. The Union of India through the Director General of Police, C.R.P.F., Ministry of Home having its office at Block No. -Central Office Campus, Lodhi Road, New Delhi, Road No. 3.
2. The Director General, C.R.P.F., Ministry of Home having its office at Block No. Central Office Campus, Lodhi Road, New Delhi, Road No. 3.
3. The Inspector General of Police, C.R.P.F. Southern Zone, Hyderabad, Andhra Pradesh.
4. The Deputy Inspector General of Police, Group Centre, C.R.P.F., Gandhi Nagar, Gujrat.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Mishra, Advocate
For the Respondent/s : Dr. K.N. Singh, ASG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 12-07-2023

1. Heard learned counsel for the parties.

2. The instant appeal has been preferred against the judgment dated 15.11.2019 passed in C.W.J.C. no. 2006 of 2017.

3. The relevant facts in brief are that the writ petitioner – appellant was appointed as constable in Central Reserve Police Force (CRPF) and joined on 27.2.2012 at Greater Noida. The information furnished by the appellant in the



prescribed proforma was forwarded to the Durgawati Police Station in District Kaimur (Bihar) from which a police verification report was received to the effect that the appellant was an accused in Durgawati P.S. Case no. 128 of 2010 wherein chargesheet had been submitted. As a result of the same, by order dated 7.12.2012 the appellant was terminated from service forthwith. He preferred an appeal before the Inspector General of Police on 7.1.2013, which was rejected by order dated 15.3.2013.

4. Aggrieved by the order of termination, the petitioner moved this Court in writ application (C.W.J.C. no. 938 of 2014). By order dated 17.1.2014 while disposing of the writ application, this Court held that it did not find any reason to interfere with the impugned order of punishment. However, taking into consideration the submission made on behalf of the petitioner that similarly circumstanced persons had been granted relief by the appellate authority, this Court granted liberty to the appellant to approach the appellate authority by filing a representation which was to be disposed of by the authority concerned within a period of six months.

5. Pursuant to the liberty granted the appellant filed a representation dated 25.4.2016 before the Director



General, CRPF, New Delhi which was rejected. The rejection of the representation by the Director General was communicated to the appellant by letter dated 25.11.2016 which stated that the submitted application addressed to the DG, CRPF could not be considered as there was no provision for further review if the appeal has been rejected by the appellate authority.

6. Against this order of rejection of his representation by the DG, CRPF, the petitioner filed C.W.J.C. no. 2006 of 2017 praying therein for quashing the orders dated 7.12.2012, 15.3.2013, 14.6.2013, 25.4.2016 and 25.11.2016 whereby and whereunder the services of the appellant have been terminated by the authorities by the CRPF as also the orders passed by them in appeal, revision and representation filed by the appellant and for a further prayer for directing the respondent authorities to grant consequential benefits to the appellant.

7. By order dated 15.11.2019 passed in C.W.J.C. no. 2006 of 2017 the learned Single Judge was pleased to observe that in the facts of the case together with the appellant not having established his right to hold the post, the Court was not inclined to interfere with the impugned order and accordingly dismissed the writ application. It is against this



order dated 15.11.2019 that the instant appeal has been preferred.

8. Learned counsel appearing for the appellant has submitted that while similarly situated employees were reinstated in service, the appellant's case was not considered. The earlier writ application (C.W.J.C. no. 938 of 2014) was disposed of giving liberty to the appellant to file his representation before the respondent authorities concerned and further the appellant was acquitted in the criminal case lodged.

9. Having heard learned counsel for the parties and having perused the material on record, the fact not in dispute are that it was clearly mentioned in the offer of appointment letter that the service of the appellant will be terminated if any adverse remark is revealed during verification of the character and the antecedent. The appellant had stated in his verification role that he was neither involved in any criminal case nor any case was pending against him. On verification, it transpired that the said statement was incorrect and that the appellant was found to be a named accused in Durgawati P.S. Case no. 128 of 2010 registered under various sections of the IPC and wherein chargesheet had also been submitted.

10. On the request of the appellant, request for



reverification was considered by the Department and a special messenger was sent to the District Magistrate, Kaimur. The reverification report confirmed the aforesaid fact including that of chargesheet having been filed against the appellant. Consequent thereof in view of Rule 5(1) of the CSS (Temporary Service) Rules, 1965, the appellant was terminated from service by order dated 7.12.2012.

11. As mentioned above even in the first writ application (C.W.J.C. no. 938 of 2014), this Court had categorically held that it does not find any reason to interfere with the impugned order of punishment. No appeal having been preferred against the said order dated 17.1.2014 passed by the learned Single Judge affirming the order of punishment of termination against the appellant, the same attained finality. For this reason also, this Court finds no merit in the instant appeal.

12. In view of the facts and circumstances stated hereinabove, the order of termination of the appellant having been challenged in C.W.J.C. no. 938 of 2014 and the same having been rejected by order dated 17.1.2014 which has now attained finality and the learned Single Judge rightly coming to the conclusion that the appellant has not been able to establish his right to hold the post, this Court finds no merit in the instant



appeal preferred by the appellant.

13. The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Spd/-

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CAV DATE	
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