

Parimlendu Singh Son of Late Janardan Singh, Resident of village + P.O.
Jonhi, P.S. Bikramganj, District - Rohtas

... .. Petitioner/s

Versus

1. The Union Of India through the Director General, Central Reserve Police Force, New Delhi.
2. The Director General, Central Reserve Police Force, New Delhi
3. The Inspector General, C.R.P.F., Jharkhand Sector, Tech. Head Quarter, Latehar, Ranchi
4. The Deputy Inspector General (Administration) , Range Ranchi, C.R.P.F., Sambo, Dhurwa, Ranchi- 834004
5. The Deputy Inspector General, Range Ranchi, C.R.P.F., Sambo, Dhurwa, Ranchi- 834004
6. Deputy Inspector General, Central Reserve Police Force, Group Centre, Ranchi
7. The Commandant, 133 Batallion, CRPF, HEC, Sector 2, Dhurwa, Ranchi 834004

... .. Respondent/s

For the Petitioner/s	:	Mr. Manish Kumar, Advocate
For the U.O.I.	:	Mr. Awadhesh Kumar Pandey, Sr. C.G.C.
		Mr. Abhishek Kumar Verma, Advocate
		Mr. R.K. Sharma, C.G.C.
		Mr. Arvind Kumar, C.G.C.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

01-07-2025 Heard Learned Counsel for the petitioner and
Learned Counsel for the Union of India.

2. The present writ petition has been filed for issuance of a writ in the nature of certiorari to quash the order passed by the Commandant, 133 Batallion, CRPF, HEC, Sector-2, Dhurwa, Ranchi, vide letter No.P.VIII-2/2013-133-Estt.-II dated



20.09.2013 communicated to the petitioner vide letter No.P.VIII-1/2014-133-Estt.-II dated 13.11.2014 under the signature of the Commandant, 133 Battalion, also to quash the order passed in appeal by DIG, CRPF, Ranchi Range, Jharkhand vide letter No.R.XIII-133/2015-Estt.III dated 05.12.2015 as well as order passed by the Inspector General, Jharkhand Sector, CRPF, Latehar Ranchi vide letter No.R.XIII-1/2016-JKD-Estt-3(P.S.) dated 13.04.2016 by which the revision preferred by the petitioner has been rejected and further for issuance of a consequent writ in the nature of mandamus directing the respondent authorities to grant consequential benefits resulting from quashing of the aforementioned orders.

3. Learned Counsel for the petitioner submits that the petitioner joined in the service of CRPF as constable/General duty in the year 2003 at Group Centre, Muzaffarpur. He was posted at F/133 BN, CRPF, Dhurwa, Ranchi in the year 2012 and was granted Casual Leave from 06.08.2012 to 22.08.2012. Counsel submits that the the petitioner suffered severe attack of jaundice and he could not return the duty though he had sent several applications on different dates including 11.10.2012 and 23.11.2012. It has been submitted that the Commanding Officer vide letter dated 05.09.2012 directed the petitioner to join the



Battalion with all the medical documents so that leave could be regularized, failing which disciplinary action was to be taken. Counsel submits that petitioner has responded on the aforesaid letter and enclosed all his medical papers, but this fact had not been considered by the Commanding Officer and again vide letter dated 24.09.2012, notice for immediate joining in the force was issued to him. Counsel further submits that vide letter dated 08.11.2012 petitioner was directed for immediate joining with all medical certificates otherwise it was directed to issue warrant of arrest. Counsel further submits that he has received letter from the Deputy Commandant with direction to present at the Battalion Headquarter along with all medical documents. Counsel submits that petitioner has responded each and every letter but without appreciating, memo of charge and departmental enquiry was initiated against him vide letter dated 5th of April, 2012 for the alleged unauthorized absence from 18.09.2012. Counsel submits that petitioner has responded on the said letter, but information with regard to departmental proceeding has been served vide letter dated 14.04.2013. Counsel submits that the Inquiry Officer and the Presenting Officer for conducting inquiry had been appointed but petitioner could not appear due to prolong illness. He further requested



for extension of leave which was turned down and proceeding has been initiated ex parte. Counsel submits that the statement of witnesses recorded behind the back of the petitioner and the petitioner could not be cross-examined nor could file his defence statement after examination of witnesses. On the basis of the inquiry report, the petitioner was proceeded and punishment order has been imposed upon by way of removal of the petitioner from service vide order dated 20.09.2013, which was served upon the petitioner at his home address.

4. Counsel further submits that the petitioner has preferred appeal before the Deputy Inspector General on 21.07.2015, which was returned back to file as per the existing Rule. Then petitioner filed appeal which was rejected. Subsequently, he filed Revision before Inspector General, Jharkhand and the said revision was also rejected on 13.04.2016 then he filed the present writ petition. Counsel submits that the present case is a gross violation of natural justice and decision of respondent authorities are completely irrational, arbitrary and basically colourable exercise of power. Counsel submits that medical document submitted by him for cross-examination has not been considered at all. Therefore, he submits that his case is fit to be considered. Counsel submits that by way of



supplementary affidavit he has attached all his medical documents relating to illness and submits that matter may be remanded back for fresh consideration.

5. Learned Counsel for the Union of India, on the other hand, submits that the authorities concerned have duly considered the case of the petitioner. There is no violation of any rule relating to departmental proceeding. He submits that at every steps information was communicated to him and absolute compliance of natural justice has been made in the present case. Counsel submits that time and again petitioner was directed to join and come with medical documents, but petitioner has not followed the same. In result, ex parte proceeding has been communicated but there is no procedural lacunae at all. The total absence of 368 days has been made. Counsel submits that the original order, appellate order and revisional order, all orders are reasoned order and have been made after granting opportunity to the petitioner to defend.

6. Upon hearing the parties, it transpires to this Court that petitioner went on leave, which was granted from 06.08.2012 to 22.08.2012, but thereafter either on one pretext or other, he had not returned to join his office. Subsequently, series of letters were sent to him and he was declared absconder



after granting due opportunity to him. During departmental proceeding communications have been made to the petitioner by the officials at every level.

7. In the light of the submissions and upon perusal of the records, it transpires to this Court that at every level due opportunity was granted to the petitioner to defend himself. There is no procedural lacunae nor any violation of natural justice since the petitioner is absconding the force for unauthorized leave of 368 days. Therefore, this Court is of the firm view that authorities have taken correct decision and there is no need of any interference in this matter.

8. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

Mkr./-

U			
---	--	--	--

