

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9648 of 2015

Abhishek Kumar, Son of Bishwanath Ram, Resdient of Village- Kauran Dihti,
P.O. Peur, P.S. Sahar, Distt- Bhojpur at Arrah.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Director General of Police, Central Reserve Police Force, New Delhi.
3. The Inspector General, Bihar Sector Central Reserve Police Force, Patna, Bihar.
4. The Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Muzaffarpur.
5. The Deputy Inspector General of Police-Cum-Principal Recruit Training Centre (R.T.C.), Neemuch, Madhya Pradesh.
6. The Commandant RTC Central Reserve Police Force, Neemuch, Madhya Pradesh.
7. The Commandant Group Centre, Central Reserve Police Force, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 04-11-2025 1. Heard learned counsel for the petitioner. No one appears on behalf of the respondents.

2. The petitioner has filed the instant application praying for quashing the order dated 16.10.2024 (Annexure-1) issued by the Commandant, Recruit Training Centre, Central Reserve Police Force (CRPF), Neemuch, Madhya Pradesh whereby the petitioner was terminated from the post of Constable.



3. The case of the petitioner in brief is that he was appointed as a Constable in the CRPF on 19.2.2014 and joined the service on 27.2.2014. He was sent to the Recruit Training Centre at Neemuch, Madhya Pradesh on 16.6.2014 where he reported and started training. Having received information about the death of his mother on 6.10.2014 and having received leave from 6.10.2014 to 11.10.2014, he attended the last rites of his deceased mother and rejoined service on 11.10.2014. It is the case of the petitioner that having orally informed the authorities concerned at the training unit, he proceeded to attend the *shradh* ceremony of his mother and soon thereafter returned to his training centre on 3.11.2014. On going to his training centre, he was not permitted to join and returned home. It is stated that he was communicated with a letter dated 10.11.2014 at his home address in district-Bhojpur in the State of Bihar informing him about his having been terminated from service .

4. It is against this order of termination dated 16.10.2014 that the instant application has been preferred by the petitioner.

5. Learned counsel for the petitioner submits that the order of termination is not sustainable and is fit to be set aside on a very limited point of the same being in violation of Rule



5(1) of the Central Civil Services (Temporary Service) Rules, 1965 (herein after referred to as 'the Rules'). In contravention of Rule 5(1), no notice was served on the petitioner before issuing the order of termination.

6. Rule 5(1) of the Rules is quoted herein below for ready reference :-

“5. Termination of temporary, service. –

(1) The services of a temporary Government servant who is not in the quasi-permanent service shall be liable to termination at any time by a notice in writing given either by the Government servant to the Appointing Authority or by the Appointing Authority to the Government servant.”

7. On perusal of the statement made in paragraph no.13 of the writ application, it transpires that there is a categorical statement by the petitioner to the effect that the petitioner was terminated without any notice to show-cause or any opportunity of hearing which is against the principles of nature justice and also against the law laid down by the Hon'ble Supreme Court and this Court. The statement made in the said paragraph is replied to in paragraph no.16 of the counter affidavit filed on behalf of the respondent according to which



while baldly denying the statement therein, it is further stated that as per the Government of India decision under the Rules, to terminate the service of a temporary employee, there is no need to give any show-cause notice, the order having been passed by Appointing Authority after due consideration, the same in no manner violates the principles of natural justice.

8. It may be mentioned here itself that firstly no Government of India decision as mentioned in paragraph no.16 of counter affidavit has been brought on record by the respondents and further even when it is not specifically spelt out, it goes without saying that the principles of natural justice has to be read into in the provisions.

9. Having heard learned counsel for the petitioner and having gone through the materials on record including the counter affidavit filed on behalf of the respondents, the case of the petitioner that no show-cause notice nor any opportunity of hearing was afforded to him before passing the order of termination not having been controverted, the order impugned terminating the service of the petitioner cannot be sustained.

10. In view of the facts and circumstances of the case, the order dated 16.10.2014 (Annexure-1) issued under the signature of the Commandant, RTC, CRPF, Neemuch



terminating the petitioner is not sustainable and is accordingly set aside.

11. The writ application stands allowed with all consequential benefits.

(Partha Sarthy, J)

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