High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

PRESENT:

The Hon'ble Mr. Justice Sandip Kumar De

WPA/20866/2021

KISHOR BANDYOPADHYAY

VS

UNION OF INDIA AND ORS.

For the Petitioner:	**Mr. Sk.Mujibar Rahman,**
	Mr. Shayak Mitra. ……. Advs.
For the Respondent/U.O.I. :	**Mr. Siddhartha Bhattacharyya,**
	Ms. Rini Bhattacharyya. ……Advs.
Last heard on:	**20.11.2026**
Judgement on:	**26.11.2026**

Sandip Kumar De, J:

1. In the instant writ petition, the writ petitioner has challenged the memorandum of charges dated September 09,2020, the enquiry report dated January 05,2021 and the order dated February 5,2021 passed by the appropriate authorities of Central Reserve Police Force('CRPF' for short) imposing punishment of compulsory retirement from the service in CRPF on the petitioner.
2. The case made out in the writ petition is that the petitioner joined the service in CRPF on March 22,2001 and in pursuance of the disciplinary proceeding

initiated against the petitioner, Chargesheet was issued by the Commandant of CRPF on September 19,2020. The petitioner was already on suspension. The enquiry was conducted and the Enquiry Officer found that the charges levelled against the petitioner were proved beyond reasonable doubt. Basis the enquiry report, the order was issued by the concerned authority imposing punishment/penalty of compulsory retirement of the petitioner from service by order dated February,5,2021.

3. The petitioner filed appeal and revision before the higher authorities challenging the order dated February 5,2021 but those were rejected confirming the original order. Then, the instant writ petition has been filed challenging the penalty/punishment as well the proceeding itself.

4. On perusal of the record, it reveals that the chargesheet dated September 19,2020 issued by the appropriate authorities of CRPF is divided into two parts.Article-I of the chargesheet discloses the offence for which the proceeding has been initiated against the petitioner.Article-II records the past similar conducts of the petitioner in order to show that the petitioner is a habitual offender of committing acts of severe indiscipline/misconduct on various occasions.

5. The aforesaid charge sheet reads as under:

Article I

"That No.015102088 CT/GD (under suspension) Kishore Bandyopadhyay of G/169 BN. CRPF, committed an act of misconduct in discharge of his duty as a member of the Force in which while he reported on duty after completion of leave at Quarantine centre, GC Durgapur on 08/09/2020 at around 1030 hrs in Intoxicated/drunken state. He misbehaved with Doctors, paramedics and security personnel present in the Quarantine Centre, Durgapur and Doctor in DSP Hospital, Durgapur on 08/09/2020. He used abusive/unparliamentary

language against paramedics/security personnel and Medical officers. As such he has committed a serious misconduct in his capacity as a member of the Force which is punishable under section 11(1) of CRPF Act 1949 read with Rule-27 of CRPF rules, 1955."

Article II

"*That the said No.015102088 CT/GD (under suspension) Kishore Bandopadhyay of G/169 BN, CRPF is a habitual offender of committing acts of severe Indiscipline/misconduct on various occasions, in which he consumed alcohol while performing duty and used abusive/unparliamentary language against his colleagues/senior and failed to follow/adhere to instructions of his seniors. Some of these instances are as under:*

i. No.015102088 CT/GD (now under suspension) Kishore Bandopadhyay of G/169 BN, was dealt in Orderly room on 01/03/2016 for consumption of liquor during duty hours and awarded confinement to lines for 10 days with forfeiture of pay and allowances wef 01/03/2016.

ii. No.015102088 CT/GD (now under suspension) Kishore Bandopadhyay of G/169 BN, was dealt in, Orderly room on 16/04/2016 for consumption of liquor during duty hours and awarded confinement to Quarter Guard wef 13/04/16 to 19/04/16.

iii. No.015102088 CT/GD (now under suspension) Kishore Bandopadhyay of G/169 BN, was dealt in Orderly room for consumption of liquor during duty hours and awarded confinement to lines wef 18/07/16 to 22/07/16 with one hour pack drill daily and forfeiture of pay and allowances.

iv.No.015102088 CT/GD (now under suspension) Kishore Bandopadhyay of G/169 BN, was dealt in Orderly room for consumption of liquor during duty hours and awarded confinement to lines wef 29/09/16 to 03/10/16 with one hour pack drill daily and forfeiture of pay and allowances.

V. A preliminary enquiry was ordered against No. 015102088 CT/GD Kishore Bandyopadhyay vide this office order No. P-VIII-01/2020-169-EC-II dated 22/05/2020 as the individual committed an act of misconduct of consuming alcohol during duty hours and using abusive/unparliamentary language against senior officials/disobeying the orders. As an outcome of Preliminary Enquiry, Individual was dealt in orderly room and awarded confinement to lines for 30 days w.e.f. 05/06/2020.

vi. Adjt/169 BN vide his letter No. M-V-01/2020-Adjt/169 dated 15/05/2020 No. 015102088 CT/GD (now under suspension) Kishore Bandyopadhyay was "warned to avoid bringing/consumption of liquor/alcohol during duty hours.

vii) Adjt/169 BN letter No. M-V-01/2020-Adjt/169 dated 12/06/2020 vide which No. 015102088 CT/GD (now under suspension) Kishore Bandyopadhyay was "warned to avoid consumption of liquor during duty hours and to bring behaviour change in him to upkeep discipline/morale.

The above individual has neither stopped consuming alcohol while on duty nor committing the acts of indiscipline and to follow the direction of his superiors. As such the individual has been a habitual offender of consuming alcohol while in duty hours and committing the acts of misconduct/disobeying the directions of orders issued by his seniors to avoid consuming alcohol while on duty"

6. It appears from record that the charges brought against the petitioner, being the accused person in the enquiry proceeding, were recorded in the chargesheet and the chargesheet was handed over to the petitioner along with the list of documents forming the basis of the articles of charge.
7. It appears from record that an Assistant Commandant of CRPF was appointed as the enquiry officer by office order dated October 01,2020 to enquire into

charges brought against the writ petitioner. The inquiry proceeding held in compliance of the relevant provisions of law and the writ petitioner participated in the inquiry proceeding.

8. It further appears from record that the witnesses were examined from the side of CRPF and relevant documents were also produced. The accused-petitioner was all along present during the enquiry proceedings. The accused-petitioner did not cross-examine the witnesses despite being given the opportunity to do so.

9. By a letter dated December 17,2020, the accused-petitioner appeared before the enquiry officer, admitted most of the charges levelled against him and gave an undertaking that he would not commit such mistakes in the future and shall not consume liquor again.

10. Upon considering the matter in detail, analysing the statements of the witnesses and documents placed in support of the charges, the enquiry officer found that the charges levelled against the petitioner have been proved beyond reasonable doubt.

11. Consequently, by order dated February 05,2021 the Commandant of CRPF imposed punishment of compulsory retirement from service upon the petitioner with effect from February 05,2021.In the said order dated February 05, 2021,the Commandant of CISF directed as follows:

"(i)Force No. 015102088 C./G.D. Kishore Bandopadhyay. G/169 Batta. is punished with compulsory retirement from service w.e.f. 05.02.2021 (AN), in which he will be entitled to get full compensation pension, gratuity and other pensionary benefits according to Rule 40- of Central Civil Service (Pension) Rules-1972. "He is hereby granted pension and gratuity not more than full compensation pension and gratuity admissible to him on the date of compulsory retirement under Rule 40 of C.C.S. (pension) rules, 1972.

(ii) Force No. 015102088 C./G.D. Kishore Bandopadhyay, G/169 Batta. is removed from service of this Force w.ef 05.02.2021 (AN).

(iii) iii) if any amount is lying pending against Force No.015102088 C./G.D Kishore Bandyopadhyay, G/169 Batta, that amount be adjusted with the amount payable to him.

iv) C.R.P.F. Service identity card, health card and dependent identity card issued to Force No. 015102088 C/G.D. Kishore Bandopadhyay be taken back and disposed of according to existing rules.

(v) The 'kit' of the personnel be classified and if there is any dues the same be adjusted with the salary-allowances payable to him."

12. Subsequently, the writ petitioner preferred appeal and revision before the higher authorities but the same were rejected being devoid of merit.

13. The whole and sole contention of the writ petitioner is that the charges mentioned in Article II of the charge-sheet were framed in 2016, and he already suffered punishment in respect of those charges. Learned counsel appearing for the writ petitioner placed reliance on the point that the charge sheet is more concerned about the previous misconducts than the present one which is only one isolated incident taking place during the COVID time in the quarantine centre on September 08,2020.

14. The learned counsel for the writ petitioner placed reliance on Section 10 of the Central Reserve Police Force Act,1949('the CRPF Act' for short) and submitted that since the petitioner was not on duty at the relevant point of time, the petitioner could have been convicted under Section 10(p) of the CRPF Act, which says that such misconduct shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to three months' pay, or with both.

15. The learned counsel for the writ petitioner further submitted that in terms of the Section 11 of the CRPF Act, the petitioner could not have been punished with a major penalty of compulsory retirement as Section 11 of the CRPF Act contemplates minor punishment.

16. Section 11 of the CRPF Act reads as follows:

"11.Minor punishments.-

(1)The Commandant or any other authority or officer as may be prescribed, may, subject to any rules made under this Act, award in lieu of, or in addition to, suspension or dismissal any one or more of the following punishments to any member of the Force whom he considers to be guilty of disobedience, neglect of duty, or remissness in the discharge of any duty or of other misconduct in his capacity as a member of the Force, that is to say,—

(a) reduction in rank;

(b) fine of any amount not exceeding one month's pay and allowances;

(c) confinement to quarters, lines or camp for a term not exceeding one month;

(d) confinement in the quarter-guard for not more than twenty-eight days, with or without punishment drill or extra guard, fatigue or other duty; and

(e) removal from any office of distinction or special emolument in the Force.

(2) Any punishment specified in clause (c) or clause (d) of sub-section (1) may be awarded by any gazetted officer when in command of any detachment of the Force away from headquarters, provided he is specially authorised in this behalf by the commandant.

(3) The Assistant Commandant, a company officer or a subordinate officer, not being below the rank of subedar or inspector, commanding a separate detachment or an outpost, or in temporary command at the headquarters of the Force, may, without a formal trial, award to any member of the Force who is for the time being subject to his authority any one or more of the

following punishment for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to require prosecution before a criminal court, that is to say,—

(a) confinement for not more than seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance;

(b) punishment drill, or extra guard, fatigue or other duty, for not more than thirty days with or without confinement to quarters, lines or camp;

(c) censure or severe censure:Provided that this punishment may be awarded to a subordinate officer only by the Commandant.

(4) A jemadar or sub-inspector who is temporarily in command of a detachment or an outpost may, in like manner and for the commission of any like offence, award to any member of the Force for the time being subject to his authority any of the punishments specified in clause (b) of sub-section (3) for not more than fifteen days."

17. Learned counsel for the writ petitioner then relied on Rule 27 of the Central Reserve Police Force Rules,1955 ('the CRPF Rules' for short) and submitted that Rule 27 of the CRPF Rules envisages the penalties, including major penalties. Since the charge sheet has been issued in terms of Section 11 of the CRPF Act read with Rule 27 of the CRPF Rules, the charge sheet is vitiated in law inasmuch as the scope of Rule 27 of the CRPF Rules is wider than the scope and ambit of Section 11 of the CRPF Act. Therefore, the Rule transgresses the scope and ambit of the parent Act and, as such, the rule could not have been invoked in the present case.

18. Rule 27 of the CRPF Rules reads as follows:

"27. Procedure for the award of punishments.-(a)[The punishments shown as items 1 to 11 in column 2 of the table] below may be inflicted or non--Gazetted Officers and men of the various ranks shown in each of the headings of columns 3 to 6, by the authorities named below such headings under the conditions mentioned in column 7.

TABLE

SI. No.	*Punishment*	*Subedar (inspector)*	*Sub Inspector*	*Others except Const. & Enrolled followers*	*Consts. & Enrolled followers*	*Remarks*
1	*2*	*3*	*4*	*5*	*6*	*7*
1	*Dismissal or*	*DIGP*	*DIGP*	*Comdt.*	*Comdt.*	*To be*
2	*removal*	*DIGP*	*DIGP*	*Comdt.*	*Comdt.*	*Inflicted after*
3	*from the Force Reduction to a lower time scale of pay or service Reduction to a lower stage in the time scale of pay for a specified*	*DIGP*	*DIGP*		*Comdt.*	*Formal Departmenta -l enquiry*

	period					
4	*compulsory*	*DIGP*	*DIGP*			*To be*
5	*retirement*	*DIGP*	*DIGP*			*Inflicted after*
6	*Fine of any amount not exceeding one month's pay and allowances Confinement in the Quarter Guard Exceeding seven days but more than twenty-eight days with or without punishment drill or extra guard fatigue or other duty*					*Formal departmental enquiry*
7	*Stoppage of increment*	*DIGP*	*DIGP*	*Comdt.*	*Comdt.*	
8	*Removal from any office of*	*DIGP*	*DIGP*	*Comdt.*	*Comdt.*	*May be Inflicted*

	distinction or special emolument in the Force					*without a formal departmental enquiry*
9	*Censure*	*Comdt.*	*Comdt.*			
10	*Confinement to quarter Guard for not more than seven days with or without punishment or extra guard fatigue or other duty*					
11	*Confinement to quarters lines, camp, fatigue duties, etc., for a term not exceeding one month*					

Notes.—1. When the post of Deputy Inspector-General remains unfilled for a period of over one month at a time the Commandant shall exercise the powers of punishing the Subedars (Inspectors) and Sub-Inspectors except the powers of ordering dismissal or removal from the Force.

Notes 2. When the post of Commandant remains unfilled for a period of over one month at a time consequent on the incumbent proceeding on leave or otherwise, the Assistant Commandant shall exercise the powers of punishment vested in the Commandant, except the powers of ordering dismissal or removal from the Force.

Explanation.—(a) Dismissal of a member of the Force precludes him from being re-employed in Government service, while removal of any such member from the Force shall not be disqualification for any future employment (other than an employment in the Central Reserve Police Force) under the Government.

(b) When non-Gazetted Officers or men of the various ranks are to be punished for any offence, a departmental enquiry, if necessary under clause (a) , shall be held by the Commandant or other superior officer under the orders of the Commandant, provided that when the charge is against an officer of the rank of Subedar (Inspector) or Sub-Inspector the enquiry shall be held by an authority to be designated for the purpose by the Deputy Inspector-General. Where the officer conducting the enquiry in the case of a Subedar (Inspector) or a Sub Inspector considers that a punishment [under items (1) to (5) and (7)] of the Table is called for, he shall complete the departmental proceedings and forward the departmental proceedings and forward the same to the Deputy Inspector General for orders.

(c) The procedure for conducting a departmental enquiry shall be as follows:—

(1) The substance of the accusation shall be reduced to the form of a written charge, which should be as precise as possible. The charge shall be read out to the accused and a copy of it given to him at least 48 hrs. before the commencement of the enquiry.

(2) At the commencement of the enquiry the accused shall be asked to enter a plea of "Guilty" or "Not Guilty" after which evidence necessary to establish the charge shall be let in. The evidence shall be material to the charge and may either be oral or documentary, if oral; (i) it shall be direct;

(ii) it shall be recorded by the Officer conducting the enquiry himself in the presence of the accused;

(iii) the accused shall be allowed to cross examine the witnesses.

(3) When documents are relied upon in support of the charge, they shall be put in evidence as exhibits and the accused shall, before he is called upon to make his defence, be allowed to inspect such exhibits.

(4) The accused shall then be examined and his statement recorded by the officer conducting the enquiry. If the accused has pleaded guilty and does not challenge the evidence on record, the proceedings shall be closed for orders. If he pleads "Not guilty", he shall be required to file a written statement, and a list of such witnesses as he may wish to cite in his defence within such period, which shall in any case be not less than a fortnight, as the officer conducting enquiry may deem reasonable in the circumstances of the case. If he declines to file a written statement, he shall again be examined by the officer conducting the enquiry on the expiry of the period allowed.

(5) If the accused refuses to cite any witnesses or to produce any evidence in his defence, the proceedings shall be closed for orders. If he produces any evidence the officer conducting the enquiry shall proceed to record the evidence. If the officer conducting the enquiry considers that the evidence of

any witness or any document which the accused wants to produce in his defence is not material to the issues involved in the case, he may refuse to call such witness or to allow such document to be produced in evidence, but in all such cases he must briefly record his reasons for considering the evidence inadmissible. When all relevant evidence has been brought on record, the proceedings shall be closed for orders.

(6) If the Commandant has himself held the enquiry, he shall record his findings and pass orders where he has power to do so. If the enquiry has been held by any officer other than the Commandant, the officer conducting the enquiry shall forward his report together with the proceedings, to the Commandant, who shall record his findings and pass orders, where he has power to do so.

[* *]*

[(cc) Notwithstanding anything contained in this rule—-

(i) *where any penalty is imposed on a member of the Force on the ground of conduct which has led to his conviction on a criminal charge; or*

(ii) *where the authority competent to impose the penalty is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these rules; or*

(iii) *where [the Special Director-General or Additional Director heading zone or Director-General] is satisfied that in the interest of security of the State, it is not expedient to hold any enquiry in the manner provided in these rules, the authority competent to impose the penalty may consider the circumstances of the case and make such orders thereon as it deems fit.*

(ccc) When a member of the Force has been tried and acquitted by a Criminal Court, he shall not be punished departmentally under this rule on the same charge or on a similar charge upon the evidence cited in the criminal case,

whether actually led or not, except with the prior sanction of the Inspector General.]

(d) (1) Where two or more members of the Force, including those on deputation to the Force are concerned in any case, the Inspector-General [or any other authority competent to impose the penalty of dismissal from service on all such members of the Force] may make an order directing that disciplinary action against all of them may be taken in a common proceeding. Note .— Where in such a proceeding, the misconduct of a deputationist is to be dealt with, the consent of the disciplinary authority competent to impose the penalty of dismissal shall be obtained for the taking of such a disciplinary action.

(2) Such order shall specify—-

(i) the authority which may function as the disciplinary for such a common proceeding;

(ii) the penalties specified in the table of sub-rule (a) above which such disciplinary authority shall be competent to impose;

(iii) whether such disciplinary authority shall hold the Departmental enquiry himself or may designate any other enquiry officer for that purpose; and

(iv) that the enquiry shall be held in accordance with the provisions of sub-rule (a) and sub-rule (c).”

19. The next limb of submission of the learned counsel for the petitioner is that there is no provision in the CRPF Act having definition of the term ‘habitual offender’. Article II of the charge sheet describes the petitioner as a habitual offender although such term is not available either in the Act or in the Rules.

20. The learned counsel for the petitioner further submitted that on the basis of alleged misconduct committed in 2016, the charge sheet has been given in

2020 and punishment inflicted in view of the inquiry proceeding on the basis of such charge sheet contravenes the rule of double jeopardy.

21. The learned counsel for the petitioner lastly submitted that, considering the age of the petitioner, an opportunity could have been given to the petitioner to remain in service for some more time so that he could attain the eligibility to opt for voluntary retirement.

22. As such, the counsel for the petitioner prayed for setting aside of the chargesheet,the entire proceeding as well as the order imposing the penalty/punishment of compulsory retirement from service of CRPF by the petitioner dated February 5,2021.

23. Per contra, the learned counsel appearing for the CRPF submitted that the petitioner proceeded on leave for 40 days Earn leave with effect from 10.07.2020 to 18.08.2020 while being posted at Durgapur, West Bengal. After expiry of leave, the petitioner reported at quarantine centre, GC CRPF, Durgapur on 08.09.2020 at around 10.30 hrs. and was found in intoxicated/drunken state. At the centre, he misbehaved with doctors, paramedical staff and security personnel present at the said centre. He also misbehaved with the Doctors of DSP Hospital, Durgapur. He used abusive/unparliamentary languages against all the paramedical staff, security personnel, Nurse and Medical Officers.

24. The learned counsel appearing for the CRPF then submitted that accordingly, the petitioner was placed under suspension with effect from 09.09.2020 and simultaneously a preliminary enquiry was ordered against on 09.09 2020. On completion of the preliminary enquiry, he was found guilty and as such, charge-sheet was served upon him on 19.09.2020 for initiating a Departmental Enquiry with the Charges.

25. The learned counsel for the CRPF further submitted that Sri Promod Kumar Joshi, Assistant Commandant was appointed as Enquiry Officer for conducting Departmental Enquiry vide office order QP VIII-1/2020-169-EC-11 dated 01.10.2020.Being the Enquiry Officer of said Departmental Enquiry, he went through the statements of all the witness recorded in the presence of the petitioner, as well as available documents. Upon due examination, Enquiry Officer reached the conclusion that all the charges framed against the petitioner had been proved beyond any reasonable doubt.
26. The learned counsel for the CRPF further submitted that the statements were recorded from all the witnesses in the presence of the petitioner, copy of same were also provided to the petitioner vide letter No. G.II-1/202-P.L.Joshi dated 04.12.2020 and 15 days' time was given to him to submit defence witness/documents, if any, in support of his defence. Further, before taking final decision on the Departmental Enquiry, for the sake of principles of natural justice, the petitioner had been provided the copy of the report of Departmental Enquiry vide letter No.P.VIII-1/2020-169-EC-II dated 16.01.2021 and 15 days' time was given to him for his defence.
27. The learned counsel for the CRPF then submitted that keeping in view the Departmental Enquiry Report, statement of prosecution witnesses, available records as well as his previous indisciplined activities, Commandant 169 Bn came to the conclusion that the act committed by the petitioner was very serious and which was a burning example of indiscipline and it would be opposed to the dignity of the Force to keep such an indisciplined person in the Force. But keeping in mind the long service of the petitioner, prayer made by him for maintenance his family, Commandant 169 Bn had awarded punishment for compulsory retirement from service.

28. The learned counsel for the CRPF further submitted that the petitioner preferred the departmental appeal. Appeal preferred by the petitioner to the DIGP, Range CRPF Siliguri as well as IGP WBS, CRPF Salt Lake, Kolkata respectively had been examined in their respective offices. upon considering all aspects and analysis of the case in its totality, the higher authorities found that the petitioner had failed to provide any cogent reasons/valid material to interfere with the order passed by the Commandant 169 Bn vide office order No. P.VIII-1/2021-169 Bn-EC-II dated 05.02.2021.

29. The learned counsel for the CRPF further submitted that further, upon going through the relevant documents, it was found that the petitioner was habitual offender and was awarded punishment "Compulsory Retirement from service" which commensurate with the gravity of offence committed by him. Therefore, appeal preferred by the petitioner had been rejected by both appellate authorities being devoid of merit under the provisions contained in Rule 29 of CRPF Rules,1955.

30. The learned counsel for the CRPF further submitted that the petitioner had committed very serious misconduct and his previous records clearly show that he was habitual offender and resultantly, he had been awarded 5 times confinement to line/Quarter Guard with punishment and issued warning letter two times for consumption of liquor but he neither stopped consumption of alcohol during duty hours nor stopped committing the act of misconduct/disobeying the orders of his seniors.

31. The learned counsel for the CRPF further submitted that the petitioner had been given so many opportunities to improve himself, but no fruitful result could be noticed in his behaviour. In these circumstances, he was liable to be awarded punishment without giving any further opportunity. As such, keeping mind of his long service, prayer made by him for maintenance his

family, he had been awarded punishment for compulsory retirement from service. His previous records/misconducts did not permit him to allow for continuing his service till completion of 20 years. As such, plea of the petitioner is not acceptable.

32. The learned counsel for the CRPF further submitted that before taking final decision on the Departmental Enquiry, for the sake of principles of natural justice, he had been provided the copy of the report of Departmental Enquiry vide letter No.P.VIII-1/2020-169-EC-II dated 16.01.2021 and time was given for 15 days for submitting his defence. He was given final opportunity for his defence before awarding punishment, as such, there was no need to serve him second show cause notice before passing final order. Further, there is no provision to serve of second show cause notice to the charged official.

33. The learned counsel for the CRPF further submitted that the act of the petitioner would be accounted for a serious misconduct being a member of the Force which is punishable under section 11(1) of CRPF Act,1949 read with Rule 27 of CRPF Rules,1955.

34. The learned counsel for the CRPF concluded that despite being punished for five times, the petitioner was given opportunity to improve himself but he again committed misconduct on consumption of liquor and failed miserably in his duties. Therefore, the punishment imposed on the petitioner is justified, and he prayed for dismissal of the writ petition.

35. Heard learned counsel for the parties and considered the materials on record.

36. It appears from the charge sheet that Article I of the charge sheet relates to the present misconduct for which the charge sheet is being issued. Article II of the charge sheet embodies the list of past misconducts in order to corroborate the stand of the authorities that the petitioner, being a member of a disciplined force, commits similar misconducts time and again, and as such,

he is a habitual offender. Therefore, the submission made by the learned counsel for the writ petitioner that punishment inflicted on the petitioner is against the rule of double jeopardy is not correct.

37. It is well-settled law by this time that past misconducts could be considered in order to appreciate the gravity of the misconduct for which the penalty/punishment is being imposed presently.

38. In view of such position, the punishment imposed on the petitioner in view of the misconduct as revealed in Article I of the charge sheet is justified, corroborated by the past misconducts embodied in Article II of the charge sheet.

39. Section 10 of the CRPF Act envisages the punishment for less heinous misconducts and such punishments have already been inflicted in respect of the earlier misconducts. Therefore, the submissions of the learned counsel for the writ petitioner that the petitioner could be convicted under Section 10(p) of the CRPF Act is not tenable as in the present case, keeping in view the earlier repeated misconducts, the proceedings have been drawn in terms of Section 11 of the CRPF Act read with Rule 27 of the CRPF Rules.

40. A plain reading of the Rule 27 of the CRPF Rules reveals that the said Rule is a complete and composite procedure for conducting the proceedings against the delinquent members of the force. The said Rule includes the entire set of penalties/punishments to be imposed in case of the employees found guilty of misconduct. Therefore, invocation of Rule 27 in the instant case is absolutely justified being the apt and appropriate provision of law and the same has correctly been invoked.

41. A reading of Section 11 of the CRPF Act would reveal that the minor punishments envisaged in Section 11 is an additional procedure supplementing the parent procedure envisaged in Rule 27 of the Rules. The

language of Section 11 of the CRPF Act clearly says that in addition to or in lieu of suspension or dismissal, the punishments envisaged in Section 11 could be imposed, subject to the Rules made under the Act. Therefore, the complete and composite procedure envisaged in Rule 27 of the CRPF Rules has been given primacy in Section 11 of the CRPF Act as the same is an additional or auxiliary provision supplementing the complete and composite procedure laid down in Article 27 of the CRPF Rules.

42. Therefore, the submission made by the learned counsel for the writ petitioner that the rule contravenes the scope of the Act is not acceptable as the reading of Section 11 of the CRPF Act juxtaposed to Rule 27 of the CRPF Rules are clear in their respective scope and ambit as narrated hereinabove. It is clear that Section 11 of the CRPF Act and Rule 27 of the CRPF Rules are intrinsically related and Rule 27 in no way transgresses the scope and Amit of Section 11 of the said Act as sought to be argued on behalf of the petitioner.

43. The punishment of compulsory retirement in clause 4 of the table provided in Article 27 of the CRPF Rules is justified in the instant case, and there is no infirmity in the validity or legality of the procedure adopted in imposing the penalty/punishment of compulsory retirement to the petitioner in the instant case.

44. It would not be out of context to note here that the petitioner himself admitted in paragraph 12 of the writ petition that the petitioner was suffering from alcoholic syndrome and unnatural cry.

45. Moreover, the petitioner made a representation admitting almost all the charges and furnishing an undertaking to the effect that he would not repeat the same mistake in the future during the inquiry proceeding. Thus, the petitioner himself admitted his illness and mistakes.

46. It is difficult to perceive that a person having such a kind of illness and a tendency to commit misconduct of a similar nature time and again could be retained as a member of a disciplined force like CRPF.

47. The other striking point is that in the writ petition, although the statement has been made with regard to the order passed by the appellate and/or revisional authority, no detail of such order or orders has been disclosed in the writ petition. There is no prayer in the writ petition with regard to the setting aside of the order passed by the appellant and/or revisional authority of CRPF. Therefore, there is no challenge made in the writ petition insofar as it relates to the order passed by the appellate and/or revisional authority of CRPF. Thus, the order passed by the appellate and/or revisional authority of CRPF remain unchallenged.

48. Resultantly, the writ petition fails.

49. WPA 20866 of 2021 is, accordingly, dismissed on contest.

50. No order as to costs.

51. Urgent Photostat certified copy of this order/judgment if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Sandip Kumar De, J.)