

**IN THE HIGH COURT OF CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**RESERVED ON: 24.03.2026  
DELIVERED ON: 27.03.2026**

**PRESENT:**

**THE HON'BLE MR. JUSTICE GAURANG KANTH**

**WPA 430 of 2026**

**BAPI MAHATO**

**VERSUS**

**UNION OF INDIA AND ORS.**

**Appearance: -**

**Mr. Bhaskar Roy Maharaja, Adv.  
Mr. Ambalika Ghosh, Adv.  
Ms. Tania Bhowmick, Adv.  
Mr. Dilip Chakraborty, Adv.**

**..... for the Petitioner**

**Mr. Sudip Kr. Mazumder, Ld. DSGI, Sr. Adv.  
Ms. Sourab Kar, Adv.**

**..... for the Union of India**

**JUDGMENT**

**Gaurang Kanth, J. :-**

1. The Petitioner has preferred the present writ petition, inter alia, challenging: (i) the order of termination dated 18.06.2025 issued by the respondent authorities under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965; (ii) the order dated 31.12.2025 passed by the Inspector General, West Bengal Sector, CRPF, acting as the appellate authority, whereby the appeal preferred by the Petitioner was rejected; and (iii) the communication dated 09.01.2026 issued by the respondent authorities in response to the Petitioner's legal notice, reiterating that the

Petitioner had committed grave misconduct and that the punishment imposed was justified.

2. The brief facts leading to the present case are as follows:
3. The Petitioner was appointed as a Constable (GD) in the CRPF on 21.01.2025 and was thereafter attached to the Group Centre, CRPF, Siliguri for the purpose of undergoing basic training in accordance with the applicable service rules.
4. Pursuant to such appointment, the Petitioner was deputed on 07.02.2025 to RTC-V, CRPF, Rajgir for undergoing basic training, where he joined and commenced the prescribed training programme.
5. During the course of training, the Petitioner is stated to have developed certain medical complications, including insomnia, anxiety, and depression. Upon medical examination on 18.02.2025, he was diagnosed with insomnia and anxiety disorder and was declared temporarily unfit for training. Thereafter, on 19.03.2025, he was admitted to the Composite Hospital, BSF, Kadamtala, Siliguri for specialised psychiatric treatment.
6. While undergoing such treatment, the Petitioner went missing from the said hospital on 04.04.2025. In that context, the respondent authorities issued a communication dated 22.04.2025 directing the Petitioner to report for duty at the Group Centre, CRPF, Siliguri.
7. Subsequently, a notice dated 19.05.2025 was issued under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965 proposing termination of the Petitioner's services. As no response was received from the Petitioner, the respondent authorities proceeded to pass an order dated 18.06.2025 terminating his services.

8. Aggrieved thereby, the Petitioner preferred an appeal before the Inspector General, CRPF, West Bengal Sector, which came to be rejected by an order dated 31.12.2025.
9. The Petitioner issued a legal notice dated 04.12.2025 seeking reconsideration of the said decision. The respondent authorities, however, by their reply dated 09.01.2026, reiterated their stand and declined to grant any relief.
10. Being aggrieved by the aforesaid actions, particularly the order of termination, the Petitioner has preferred the present writ petition.

**Submission on behalf of the Petitioner**

11. Learned counsel appearing for the Petitioner submits that, during the period of his hospitalisation, the Petitioner was suffering from acute mental health issues and was under considerable psychological distress. It is contended that, owing to such condition, the Petitioner developed a genuine apprehension for his safety and, under the influence of such fear, left the Composite Hospital, BSF, Kadamtala, Siliguri without authorisation, apprehending that he might be harmed by other inmates.
12. It is further submitted that the Petitioner has since fully recovered from the said medical condition and is presently fit to resume duties. Learned counsel contends that the conduct attributed to the Petitioner, including his absence, was not wilful or deliberate, but was a direct consequence of his impaired mental health at the relevant point of time.
13. Learned counsel for the Petitioner further submits that the impugned order of termination, though purportedly passed under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965, is in substance stigmatic and punitive in nature, inasmuch as it proceeds on allegations of

grave misconduct. It is contended that such an order could not have been passed without initiating a proper disciplinary proceeding and affording the Petitioner a reasonable opportunity of hearing.

14. On the aforesaid grounds, it is submitted that the impugned order of termination is unsustainable in law and is liable to be set aside.

**Submission on behalf of Respondent**

15. Mr. Mazumder, Learned DSGI appearing for the Respondents submits that the Petitioner, being a temporary Government servant, was governed by the Central Civil Services (Temporary Service) Rules, 1965, and his services were liable to be terminated in terms of Rule 5(1) thereof. It is contended that the said provision expressly empowers the competent authority to terminate the services of a temporary employee by issuance of a notice in writing, without the necessity of instituting a formal disciplinary proceeding.
16. It is further submitted that the order of termination dated 18.06.2025 is a termination simpliciter and does not cast any stigma upon the Petitioner. According to the Respondents, the order has been passed in accordance with Rule 5(1), and any reference to the Petitioner's conduct in subsequent communications cannot be read to render the termination punitive in nature or a disguised disciplinary action.
17. Learned counsel for the Respondents contends that the Petitioner had absented himself unauthorisedly and had gone missing from the hospital while undergoing treatment, and despite being directed to report for duty, failed to do so. Such conduct, it is submitted, is inconsistent with the discipline expected of a member of a paramilitary force, and justified the invocation of Rule 5(1) of the said Rules.

18. It is accordingly submitted that the termination has been effected strictly in accordance with the statutory framework governing temporary service, and in the absence of any illegality or procedural infirmity, no interference is warranted in exercise of writ jurisdiction.

**Legal Analysis**

19. This Court has heard the learned counsel appearing for the parties at length and has carefully perused the materials placed on record.
20. It is not in dispute that the Petitioner was appointed vide appointment letter dated 23.12.2024. A plain reading of the said appointment letter makes it abundantly clear that the appointment was purely temporary in nature and expressly subject to the provisions of the Central Civil Services (Temporary Service) Rules, 1965. The terms of appointment further stipulate that the services of the Petitioner were liable to be terminated by one month's notice from either side, thereby incorporating, by reference, the statutory scheme under Rule 5(1) of the said Rules.
21. Rule 5(1)(a) of the Central Civil Services (Temporary Service) Rules, 1965 provides that the services of a temporary Government servant shall be liable to termination at any time by a notice in writing issued either by the appointing authority or by the employee. The legislative intent underlying the said provision is to confer flexibility upon the employer in respect of temporary engagements, without subjecting such termination to the rigours of a full-fledged disciplinary proceeding, unless the action is demonstrably punitive or stigmatic in nature.
22. In the factual backdrop of the present case, the records reveal that the Petitioner remained absent from duty with effect from 04.04.2025 without obtaining permission from the competent authority. It further

appears that a communication dated 22.04.2025 was issued from the Group Centre, CRPF, Siliguri to the Petitioner at his home address, directing him to report for duty and enclosing relevant medical documents, with a clear indication that failure to comply would entail action in accordance with the applicable rules. Despite such intimation, the Petitioner failed to report. Thereafter, a further communication dated 09.05.2025 was dispatched through special messenger reiterating the direction to rejoin duty. Even then, the Petitioner did not comply with the said directions. The continued absence and non-compliance were taken into consideration by the competent authority while forming an opinion that the Petitioner's conduct was inconsistent with the standards of discipline expected of a member of a uniformed force at the very inception of service.

23. It is well settled that in matters relating to termination of service, particularly in the case of temporary employees, the scope of judicial review under Article 226 of the Constitution of India is confined to examining the decision making process and not the merits of the decision itself. The writ court does not act as an appellate authority and will interfere only where the action impugned is vitiated by illegality, arbitrariness, procedural impropriety, or perversity.
24. In the present case, the materials on record demonstrate that a notice under Rule 5(1) of the CCS (Temporary Service) Rules, 1965 was duly issued to the Petitioner, thereby affording him an opportunity to respond prior to termination. It is an admitted position that no reply was furnished by the Petitioner. The respondent authorities thereafter proceeded to pass the order of termination in accordance with the

governing statutory provisions. The appellate authority, while exercising its jurisdiction under Rule 5(2) of the said Rules, has also examined the matter and affirmed the decision by a reasoned order dated 31.12.2025.

25. In such circumstances, this Court does not find any procedural lapse or violation of the principles of natural justice. The requirement of affording opportunity, as contemplated under the applicable framework, stood duly complied with. The Petitioner, having failed to avail such opportunity, cannot subsequently assail the process on that ground.
26. With regard to the contention that the termination is stigmatic and punitive in nature, this Court finds that the impugned order has been issued in exercise of powers under Rule 5(1) of the CCS (Temporary Service) Rules, 1965 and does not, on its face, record any finding of misconduct or cast any stigma. It is a settled principle that unless the allegations form the foundation of the order and are expressly or implicitly incorporated therein, the order cannot be treated as punitive so as to necessitate a disciplinary proceeding. In the present case, the order remains one of termination simpliciter.
27. The plea of the Petitioner seeking sympathetic consideration on account of subsequent recovery from medical ailments, though not devoid of human appeal, cannot by itself constitute a ground for judicial interference, particularly in the absence of any legal infirmity in the impugned action. This assumes greater significance in the context of a disciplined force such as the CRPF, where adherence to orders and presence on duty are of paramount importance.
28. In view of the aforesaid discussion, this Court is of the considered opinion that the impugned action of the respondent authorities is in

consonance with the applicable statutory provisions and does not suffer from any illegality or procedural impropriety warranting interference under Article 226 of the Constitution of India.

29. Accordingly, the writ petition stands dismissed.

**(Gaurang Kanth, J.)**

SAKIL AMED (P.A)

