
(2014) 01 PAT CK 0118
In the Patna High Court
Case No : C.W.J.C. No. 622 of 2014

Girijesh Kumar

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 17-01-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 212

Citation : (2015) 1 PLJR 13

Hon'ble Judges : Chakradhari Sharan Singh, J

Bench : Single Bench

Advocate : Sanjay Kumar, Advocates for the Appellant; N.A. Shamsi, Advocates for the Respondent

Judgement

Chakradhari Sharan Singh, J.—The petitioner was appointed as a Constable/G.D. on temporary basis in Central Reserve Police Force by a letter dated 15.5.2011 issued by the Deputy Inspector General of Police, Central Reserve Police Force, Mokama Ghat (Bihar). Clause "g" of the said letter required that at the time of his joining he will be required to fill up his character and antecedent certificate. It also prescribed that if on verification regarding character or antecedent of the concerned, any adverse report was received, his services would be terminated. It transpires that at the time of his enlistment in force, he did not mention in the attestation form as regards institution of or pendency of any criminal case. Subsequently, however, verification report as regards petitioner's character and antecedent was sought for by the Department from the District Magistrate, Arwal upon which it was reported that petitioner was an accused in a criminal case registered for the offence punishable under Section 212 of the Indian Penal Code and had been charge-sheeted. Thereafter, vide order letter dated 8.7.2013, the petitioner was asked to submit his explanation regarding pendency of criminal case against him. The petitioner submitted his explanation vide his letter dated 30.7.2013 stating therein that the petitioner had no knowledge about the pendency of the case and he learnt about the pendency of case only in April, 2013, when he had gone to his home village to avail leave. Thereafter, vide an

order dated 25.8.2013 issued by the Commandant, 14th Battalion, Central Reserve Police Force, Sophiya (Jammu and Kashmir) the service of the petitioner came to be terminated in accordance with the provision under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965.

2. This is not in dispute that the petitioner was on probation when the impugned order dated 25.8.2013 was passed. This is also not in dispute that the petitioner was an accused in a case at the time of his enlistment in the force as Constable. However, he did not give this information in the attestation form at appropriate place. In the letter of appointment itself, it was mentioned that his service would be terminated if adverse report was received on verification of the petitioner's character and antecedent.

3. Appointing authority has the power to terminate the services of a temporary employee in exercise of power under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965 and before passing such order neither any opportunity of hearing is required to be given nor reason is required to be assigned in such order. Such order can be passed by competent authority if such authority is satisfied that the concerned personnel is not suitable for permanent appointment in C.R.P.F.

4. I do not find any infirmity with the impugned order which has been passed in the background of facts noted above. This application is accordingly dismissed.

5. Learned counsel for the petitioner has submitted that the petitioner has been implicated maliciously in a criminal case because of some dispute in the village, out of local politics and the offence under Section 212, for which he has been charge-sheeted, is bailable. He further submits that for a minor mistake committed by the petitioner at the time of filling up of his attestation form, the petitioner should not be punished so harshly. He has also placed reliance upon a judgment of Supreme Court reported in Secy. Deptt. of Home Secy. A.P. and Others Vs. B. Chinnam Naidu, in support of his submission. It appears from the writ application that the petitioner has not approached the higher authorities/Appellate Authorities making grievance against the impugned order. He will have the liberty to do so. It will be open to such higher authorities i.e. the Deputy Inspector General, Central Reserve Police Force/I.G., Central Reserve Police Force to consider such appeal/revision/representation if preferred by the petitioner and pass appropriate orders.