

(2006) 03 JH CK 0006
In the Jharkhand High Court

Hirdeo Prasad

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 08-03-2006

Acts Referred:

Citation : (2007) 3 JCR 449

Hon'ble Judges : S.J. Mukhopadhaya, J; Dilip kumar sinha, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The appellant who was a Constable in the Central Industrial Security Force (hereinafter referred to as the CISF) was proceeded departmentally. It was alleged that on 11th/12th February, 1992, he was assigned "C shift duty from 9 p.m. to 5 a.m., at Watch Tower No. III of "B" Plant but was found sitting and dozing in front of small fire which amounted to negligence of duty. It is further alleged that when the Inspector T. Chakraborty found him sitting and dozing while on duty, he assaulted the said Inspector which amounted to misconduct. The appellant submitted show cause reply denying the charges and to exonerate him from the charges. He also took part in the departmental enquiry. The Enquiry Officer held him guilty of both the charges, wherein after he was noticed and on receipt of reply, he was dismissed from service on 12th October, 1992. The appeal preferred by him was also rejected.

2. It appears that the appellant thereafter moved before this Court in CWJC No. 11947 of 1997(R) wherein the order of dismissal was set aside. But the order passed by the learned Single Judge was reversed by the appellate Court in LPA No. 646 of 2002. As in the meantime, the appellant preferred a revision application, the Division Bench directed the revisional authority to decide the question of quantum of punishment vis-a-vis gravity of the charges within three months. The revisional authority having found the punishment proportionate to the gravity of charges, rejected the revision application. From the aforesaid fact, it will be evident that the order of punishment was upheld by Division Bench of

this Court in LPA No. 646 of 2002. The only question which was to be determined by the revisional authority whether the punishment was proportionate to the gravity of charges or not.

3. In the present case, no infirmity has been pointed out. It was only argued that the punishment of dismissal from service is harsh, but we are also of the view that the respondents have passed appropriate order, proportionate to the gravity of charges and thus called for no interference. The appeal is, accordingly, dismissed.