
(2014) 01 PAT CK 0027
In the Patna High Court
Case No : CWJC No. 821 of 2014

Pankaj Kumar

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 10-01-2014

Acts Referred:

Citation : (2015) 3 PLJR 116

Hon'ble Judges : Chakradhari Sharan Singh, J

Bench : Single Bench

Advocate : Prashant Kashyap, Advocate for the Appellant; N.A. Shamsi,
Advocate for the Respondent;

Final Decision : Dismissed

Judgement

Chakradhari Sharan Singh, J.

1. Heard learned counsel for the petitioner and learned Assistant Solicitor General appearing on behalf of Union of India. The petitioner is aggrieved by an order of termination said to have been issued in exercise of power as contained in Rule 5(1), CCS (Temporary Service) Rules, 1965 vide No. PVIII.7/2006- EC-II-6.6.2006.

2. From the facts as pleaded in the writ application, it appears that the petitioner had joined in 4th Battalion CRPF as Constable/GD. As per his own pleadings, the petitioner developed neurological problems and remained in deep depression and, therefore, he remained absent from duty. It further transpires that vide the said order dated 6.6.2006, the service of petitioner was terminated in accordance with said provisions as contained in Rule 5(1) of CCS. (Temporary Service) Rules, 1965. It further appears that he preferred an appeal after nearly six years of passing of the order of termination. The appellate authority however, after considering the grounds taken in the appeal dismissed it vide order dated 29.5.2013.

3. The submission on behalf of the petitioner is that the impugned order of

termination issued on 6.6.2006 was never served upon the petitioner and, therefore, he could not prefer appeal within time. He further submits that it was because of the psychiatric problem which the petitioner was suffering from, he could not join duties and remained absent. Medical prescriptions in support of these facts have been brought on record by Annexure-1 series.

4. The facts as pleaded in the writ petition do not inspire confidence. In any view of the matter, the petitioner is not in a position to make out a case that though he is suitable and fit to remain in service as Constable/General Duty in a Para Military Force, his service has been dispensed with without any valid reasons. The reason for termination of petitioner's service is apparent and cannot be said to be unjustified. Further, the impugned order is not stigmatic and needs no interference by this Court. I do not find any merit in this application. This application is accordingly dismissed.