
(2019) 11 MAN CK 0019
In the Manipur High Court
Case No : Writ Petition (c) No. 470 Of 2016

S. Shantikumar Singh	Vs	APPELLANT
State Of Manipur And Others		RESPONDENT

Date of Decision : 14-11-2019

Acts Referred:

Central Civil Services (Classification, Control And Appeal) Rules, 1965 — Rule 15(2)
Central Civil Services (Pension) Rules, 1972 — Rule 69

Citation : (2019) 11 MAN CK 0019

Hon'ble Judges : M.V. Muralidaran

Bench : Single Bench

Advocate : H.S. Paonam, S. Dijeshwor, L. Ashinikumar, N. Bipin, Ksh. Harichhaya, S. Gunabanta, A. Arunkumar, S. Nepolean, K. Rabei

Final Decision : Allowed

Judgement

M.V. Muralidaran, J

1. This writ petition has been filed by the petitioner seeking to set aside the order dated 28.11.2015 rejecting the revision petition and confirming the order passed in the appeal dated 14.09.2015 preferred against the order of dismissal dated 30.04.2012 passed by the disciplinary authority and to direct the respondents to allow the petitioner to rejoin the service.

2. Succinctly put, the facts of the case run thus: The petitioner was appointed as Constable and was posted at different places. While he was in service and posted at Delhi, the petitioner was granted earned leave for 60 days with effect from 6.1.2011 to 6.3.2011. Before expiry of the earned leave, the petitioner started suffering from psychiatric problem and was not able to think and act normally and he underwent treatment at Regional Institute of Medical Sciences Hospital (RIMS), Lamphel. Only in the early part of 2014, the petitioner was able to start thinking and act normally. On 28.3.2014, the petitioner was taken to RIMS hospital, where, after a thorough check, he was certified to be both physically and mentally fit to resume his normal duties with effect from 28.3.2014, after

more than two years of treatment.

3. After the petitioner recovered from his mental sickness, his family started enquiring about the status of his service. On 25.4.2014, one of his family members handed over to him the order dated 30.4.2012 passed by the Commandant of 27th Battalion by which order the petitioner has been awarded penalty of dismissal from service with effect from 30.4.2012 and also declared the OSL period with effect from 7.3.2011 to the date of dismissal as dies non.

4. The petitioner, on a perusal of the order dated 30.4.2012, came to know that a departmental enquiry was conducted ex parte. As reflected from the dismissal order, the charge against the petitioner in the departmental enquiry was for overstaying on leave without permission/extension which is stated to be an act of misconduct, negligence of duty and disobedience of lawful order under Section 10(m) of C.R.P.F. Act, 1949 read with Rule 27 of C.R.P.F. Rules, 1955. As the petitioner was still suffering from unsoundness of mind during the period of departmental enquiry, he did not have the capacity to have the knowledge in the said enquiry and the petitioner was dismissed from service under Section 11(1) of C.R.P.F. Act, 1949.

5. On 10.05.2014, the petitioner preferred an appeal before the fourth respondent against the order of dismissal dated 30.4.2012 passed by the fifth respondent and the said appeal was dismissed by the fourth respondent without considering the unsoundness of mind of the petitioner.

6. The petitioner filed W.P.(C) No.856 of 2014 challenging both the dismissal order as well as rejection of the appeal and to allow the petitioner to rejoin the service. By order dated 26.5.2015, this Court set aside the orders and remitted the matter by directing the appellate authority to consider the appeal of the petitioner dated 10.5.2014 on merits and to take a decision within a period of three months from the date of receipt of the copy of the order.

7. In compliance with the order of this Court, the fourth respondent reconsidered the appeal of the petitioner and by an order dated 14.09.2015, the fourth respondent rejected the appeal. Being aggrieved, the petitioner preferred a revision to the third respondent. By an order dated 28.11.2015, the third respondent rejected the revision holding that the same is devoid of merits under the provisions contained in Rule 29 of C.R.P.F. Rules, 1955. Challenging all the above orders, the petitioner has filed the present writ petition.

8. Resisting the writ petition, the respondents filed affidavit-in-opposition stating that the petitioner was granted 60 days earned leave with effect from 6.1.2011 to 6.3.2011 with permission to avail restricted holiday on 5.1.2011 and he was required to report back for his duty on 6.3.2011. However, the petitioner failed to report and remained OSL with effect from 7.3.2011 without permission of the competent authority and without giving any information to the fifth respondent. Letters in connection with recalling of the petitioner for duty were sent to his home address. On 19.3.2011, the fifth respondent received OPD slip dated

19.2.2011 for consultation with Doctor at RIMS Hospital from the younger brother of the petitioner. Thereafter, the petitioner was directed to report Composite Hospital, Imphal for medical opinion/treatment and early recovery, however, the petitioner did not report to the Composite Hospital for treatment.

9. It is stated that after gathering information through special representative, the fourth respondent by a letter dated 21.6.2011 informed the fifth respondent that the petitioner was well and working in his father's shop. Again on 14.7.2011, the petitioner was directed either to report to Composite Hospital immediately for second medical opinion or to report on duty immediately, failing which disciplinary action would be initiated against him as per Rules. But the petitioner neither reported at Composite Hospital, nor he re-joined his duty. No information was received either from the petitioner himself or from his family members and he remained absent without any sanction of leave.

10. It is also stated that on 4.8.2011, a complaint was lodged before the Ld. Chief Judicial Magistrate-cum-Commandant of 27th Battalion and a warrant of arrest was issued in the name of the petitioner on 19.8.2011 and the Superintendent of Police, Bishnupur was requested for execution of the warrant. However, the petitioner was neither arrested by the civil police, nor he surrendered before the Ld. Chief Judicial Magistrate. On 29.9.2011, a Court of enquiry was ordered to find out the circumstances under which the petitioner remained OSL and one Naresh Kumar was detailed as PO and as a result of Court of Inquiry, the petitioner was declared as Deserter with effect from 7.3.2011.

11. On 12.11.2011, charges were framed against the petitioner and a copy of the same was sent to him by registered post, however, no reply to the memorandum of charges was received from the petitioner. Accordingly, the departmental enquiry was ordered against the petitioner and departmental enquiry was conducted after following due procedure. On completion of enquiry, report of enquiry was sent to the petitioner to his home address with a direction to make a representation or submission in writing to the disciplinary authority within 15 days. However, no response was submitted by the petitioner. Thus, the Final order of dismissal with effect from 30.4.2012 was issued.

12. It is further stated that after the lapse of more than two years, the petitioner has filed appeal and the appellate authority rejected the appeal as barred by limitation. Thereafter, pursuant to the direction of this Court in W.P.(C) No.856 of 2014, the appeal of the petitioner was reconsidered on merits and rejected vide order dated 14.9.2015. Thereafter, a revision was preferred by the petitioner and the same was also dismissed by the revisional authority on merits.

13. According to the respondents, the petitioner had committed an act of misconduct, negligence of duty and after due process, the disciplinary authority imposed punishment of dismissal from service and the grounds taken by the petitioner for setting aside the dismissal order are not sustainable. Therefore, the orders dated 30.4.2012, 14.9.2015 and 28.11.2015 respectively passed by the

respondent authorities are in accordance with law. The respondents prayed for dismissal of the writ petition.

14. The petitioner filed a rejoinder stating that he has no knowledge of facts stated in para Nos.2.4, 2.5 and 2.6 in the affidavit-in-opposition as he was at that time suffering from mental illness which incapacitated him from knowing or understanding of facts. The petitioner denies that he was quite well and was working at his father's shop when a representative visited his place. In fact, the petitioner does not remember anything of what was happening during the period in which he was suffering from unsoundness of mind and also further denies the statement that the petitioner willfully overstayed on leave on the pretext of unsoundness of mind. It is averred that the petitioner has no knowledge of direction made to him to report at Composite Hospital for treatment, as he was unable to know what was happening during the period in which he was suffering from unsoundness of mind.

15. The learned counsel for the petitioner argued that the departmental proceedings and the punishment imposed on the petitioner cannot be sustained in the eye of law for the following reasons:

(a) The departmental enquiry proceeded ex parte.

(b) The dismissal of the petitioner from service for the alleged misconduct of overstaying on leave that too due to mental unsoundness of mind is illegal and any commission or omission done by a person of unsound mind is not an offence.

(c) When Section 11(1) of C.R.P.F. Act, 1949 does not empower the respondents to dismiss anyone in the Central Reserve Police Force by invoking the said Section, the respondents dismissed the petitioner from service.

(d) Pre-condition for dismissing a person from the C.R.P.F. is not fulfilled in the case of the petitioner.

(e) The appellate authority failed to consider the fact that a person suffering from mental disorder need not be hospitalized.

(f) The appellate authority has failed to examine whether the punishment of dismissal awarded to the petitioner is commensurate with the gravity of the alleged offence in as much as the alleged offence is a less heinous offence under Section 10(m) of C.R.P.F. Act.

(f) The Revisional Authority has failed to consider the ground for revision i.e., the petitioner was suffering from unsoundness of mind, which was the reason for which the petitioner could not report back to his Battalion even after the expiry of his leave.

(g) The Revisional Authority has failed to examine whether the disciplinary authority is empowered under Section 11 of the Act to dismiss the petitioner.

16. Per contra, the learned Government Advocate submitted that the petitioner

was granted earned leave from 6.1.2011 to 6.3.2011 and he ought to have reported duty on 7.3.2011, however, he has not reported back for his duty. Despite letters, the petitioner has not turned up for duty and on 26.3.2011 the fifth respondent sent a letter to the petitioner directing him to appear before Composite Hospital for medical opinion, however, the petitioner did not report to Composite Hospital.

17. The learned Government Advocate further submitted that the respondent No.4 gathered information from the special representative that the petitioner was well and was working in his father's shop. Thereafter, the petitioner was directed to report for duty, failing which, it is stated that disciplinary action would be initiated against him. However, he remained absent without any sanction of leave. Since the petitioner committed an act of misconduct/negligence of duty and disobedience, a charge memo dated 12.11.2011 was issued calling upon him to offer his explanation. As no reply was given, in terms of Rule 20 of CCS (Conduct) Rules, 1964 read with Rule 27 of C.R.P.F. Rules, departmental enquiry was ordered against the petitioner and was concluded by following due procedure.

18. The learned Government Advocate would submit that the enquiry report was sent to the petitioner, however, he has not given any reply and, therefore, final order of dismissal from service with effect from 30.4.2012 was passed. According to the learned Government Advocate, after a lapse of two years, the petitioner has preferred appeal and the said appeal was dismissed by the appellate authority as barred by limitation vide order dated 30.6.2014. The petitioner challenged the said orders in W.P.(C) No.856 of 2015 and this Court while quashing the orders, remitted the matter to the appellate authority to consider the appeal on merits and take a decision within a period of three months from the date of receipt of a copy of the order.

19. The learned Government Advocate next submitted that after due consideration, the appellate authority rejected the appeal, against which, the petitioner preferred a revision, which was also rejected by the Revisional authority on the ground that the grounds taken by the petitioner are unsustainable. Since the impugned orders dated 30.4.2012, 14.9.2015 and 28.11.2015 assailed in this writ petition were passed in accordance with law, there is necessity to interfere with the same and thus, prayed for dismissal of the writ petition.

20. I have considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate for the respondents.

21. The petitioner while working as Constable in the 27th Battalion, C.R.P.F. faced a departmental enquiry for his unauthorized absence. The article of charge is read thus:

"M. Dhanachandra Singh of B/27 Bn. CRPF while functioning as CT/GD committed an act of misconduct in the capacity of member the Force in that he overstayed from 60 days Earned Leave sanctioned to him with effect from

06/01/2011 to 06/03/2011 with permission to avail 05/01/11 being RH. He was due to report for duty on 06/03/2011 in the evening Roll Call on or 07/03/2011 (F.N) but he continued to overstay with effect from 07/03/2011 (F.N) without sanction / extension of leave or proper permission by the competent authority. Thus he has committed an act of misconduct, negligence of duty and disobedience of lawful order u/s 10(m) of CRPF Act, 1949' read with' Rule 27 of CRPF Rules 1955."

22. Admittedly, the memorandum of charge along with statement of article of charge and list of witnesses was sent to the residence of the petitioner through a registered post on 12.11.2011. Since the petitioner failed to respond to the charge memo, nor reported for duty, on the expiry of stipulated period mentioned therein, one Shri Naresh Kumar, Assistant Commandant was appointed as Enquiry Officer to inquire into the charge framed against him and one Shri V.S. Bhatia was appointed as Presenting Officer to present the case. Thereafter, the Enquiry Officer has proceeded with the enquiry and the petitioner was directed to appear before him within 15 days, but the petitioner has failed to appear before the Enquiry Officer. Hence, there was no alternative for the Enquiry Officer except to conduct the enquiry ex parte.

23. According to the learned counsel for the petitioner, the departmental enquiry proceeded ex parte against the petitioner is illegal in as much as the petitioner was suffering from mental sickness of mind at the relevant point of time and, therefore, he was not given an opportunity of being heard in violation of principles of natural justice.

24. The aforesaid argument of the learned counsel for the petitioner is refuted by the learned Government Advocate by submitting that despite notices calling for the petitioner to appear before the Enquiry Officer, he had not turned up and that the allegation of sickness/unsound mind alleged by the petitioner are all for the purpose of this writ petition.

25. It is to be noted that the petitioner has not disputed sending of letters dated 08.03.2011 and 22.03.2011 by the fifth respondent calling upon the petitioner to report for duty and the receipt of the said notices by the petitioner. Further, the information gathered by the fourth respondent through the special representative that the petitioner was well and he was working in his father's shop has been though denied, the petitioner has failed to produce any medical records to show that at the relevant point of time he was in unsoundness of mind continuously.

26. It is the say of the petitioner that since he was suffering from mental illness, he has no knowledge of the facts stated by the respondents in their affidavit-in-opposition. As stated supra, to prove that the petitioner was suffering for mental disorder (psychiatric) and was taking continuous treatment, he has not produced any materials except the OPD registration card issued by Regional Institute of Medical Sciences Hospital, Lamphel, where from it is seen that on 19.2.2011, he was treated for psychiatry. On a perusal of the OPD registration card dated

28.3.2014 annexed to the writ petition, it is seen that the Doctor who treated the petitioner has noted that the patient has been undergoing treatment on regular basis for his illness and he has been reported to Psychiatric OPD on 28.3.2014. The Professor and Head Professor of RIMS has issued certificate to the effect that the petitioner found to be both physically and mentally fit to resume his normal duties with effect from 28.3.2014. It is also admitted that no medical records between 20.2.2011 and 27.3.2014 have been produced by the petitioner to show that he has been continuously treated for the alleged mental disorder. Further, nothing has been produced to show that he was treated as inpatient in the said hospital.

27. The absence of continuous medical records for the aforesaid period except for the certificate issued by the Doctor does not inspire confidence of the Court to accept the plea of the petitioner that he was indeed suffering from mental disorder during the aforesaid period.

28. It appears that on 21.5.2011, the fifth respondent requested the fourth respondent to send a special messenger to know about the factual position of the petitioner and to apprise the facts. Accordingly, the fourth respondent appointed one K.L. Thango and directed him to proceed to the leave address of the petitioner and enquire the genuine facts of the case. On an enquiry, the special messenger has given the following information:

(1) On enquiring of health of NO. 991151226 CT/GD S. Dhanachandra Singh, Father Name S. Inder Singh from his neighbourhood peoples at ViII-Thamna Pokpi Tiddem Road PO & PS Moirang Distrcit, Bishnupur, PIN-795133, Imphal (Manipur) they told that individual was healthy.

(2) The individual was not admitted in hospital at the time of enquiry.

(3) The individual was found present in his private shop where computer and photo-state work is done.

(4) During enquiry by the special representative, the individual had intimated that he will try to join his duty by next month.

(5) On asking about his diseases, he told that he is having pain in his head. Individual had taken his treatment at RIMS hospital, Imphal on 19/02/2011 and 24/03/2011 and next date of checkup is 21/04/2011 has been given. Individual has given 04 treatment slip to the special representative.

29. The aforesaid information given by the special messenger has been simply denied by the petitioner. Admittedly, the special messenger has not recorded written statement of neighbours. However, the special messenger in his report stated that during enquiry, the petitioner had informed him that he will try to join his duty by next month. The said information given by the special messenger is dated 21.6.2011. Thus, it is clear the special messenger met the petitioner personally and apprised the facts and the petitioner in turn informed that he will report for duty by next month. If really, the petitioner was suffering from mental

disorder, he could have produced medical records before the special representative when he enquired him. No such medical document was shown and/or produced before the special representative.

30. In the absence of bona fide and continuous medical records, it cannot be said that the petitioner was continuously under treatment for the alleged mental disorder from 19.02.2011 till issuance of fitness certificate dated 28.03.2014. Therefore, a doubt has arisen in respect of the medical document produced by the petitioner whether he has actually suffering psychiatric and had taken treatment continuously. If really the petitioner was under treatment and was looked after by his family members, nothing prevented them from subjecting the petitioner to medical test at Composite Hospital, Imphal as directed by the respondent authorities. The failure of the petitioner to report before the medical board as suggested by the respondent authorities would clearly show that the alleged unsoundness of mind stated by the petitioner is not correct.

31. It is seen from the records that on 14.7.2011, the fifth respondent wrote a letter to the petitioner informing that he was overstaying on the pretext of psychiatric illness and therefore, report before the Composite Hospital, Imphal immediately for second medical opinion or report for duty immediately, failing which disciplinary action will be initiated against him. Thereafter, also the petitioner neither reported before Composite Hospital for medical opinion, nor reported for duty. In such a situation, article of charge was framed and after due service of charge memo to the petitioner, the department has initiated departmental proceedings by appointing an Enquiry Officer to inquire into the charge.

32. The Enquiry Officer enquired into the matter after giving ample opportunity to the petitioner. Since the petitioner failed to appear before the Enquiry Officer and has also failed to send any communication, the Enquiry Officer had no option except to conclude the departmental enquiry ex parte holding that the charge framed against the petitioner has been proved beyond any shadow of doubt and accordingly, the Enquiry Officer submitted his report to the fifth respondent. It is seen that a copy of the enquiry report was sent to the petitioner with a direction to make explanation in writing within 15 days of the receipt of the same. Since no response was received from the petitioner, the fifth respondent passed the impugned order of dismissal of the petitioner from service with effect from 30.4.2012 A.N. Thus, it is clear that despite service of notices, the petitioner has not turned up to participate in the enquiry and that is the reason, the enquiry proceeded ex parte. Since the enquiry was conducted in a fair manner and in accordance with the relevant rules, it cannot be said that the departmental enquiry is illegal. In such view of the matter, this Court is of the firm view that the petitioner cannot take shelter of the doctrine of audi alteram partem or allege violation of the principles of natural justice.

33. The next submission of the learned counsel for the petitioner is that the respondents have invoked Section 11(1) of C.R.P.F. Act for dismissing the

petitioner when the fact remains that Section 11 of the Act does not empower the respondents to dismiss anyone in the Central Reserve Police Force.

34. On the contrary, by placing reliance upon the decisions of the Hon'ble Supreme Court in *Union of India v. Diler Singh*, reported in (2016) 13 SCC 71 and *Union of India v. Ghulam Mohd. Bhat*, reported in (2005) 13 SCC 228, the learned Government Advocate submitted that Section 11 of the Act though deals with minor punishment, the Commandant may subject to any rules made under the Act award any one or more of the punishments to any member of the Force who is found guilty of disobedience and neglect of duty.

35. A bare perusal of Section 11 of C.R.P.F. Act shows that it deals with minor punishment as compared to the major punishments prescribed in other Section. It lays that the Commandant or any other authority or officer, as may be prescribed, may subject to any rules made under the Act, award any one or more of the punishments to any member of the Force who is found guilty of disobedience, neglect of duty or remissness in the discharge of his duty or of other misconduct in his capacity as a member of the Force. Further, perusal of the Section says that punishments may be awarded in lieu of, or in addition to, suspension or dismissal.

36. In *Diler Singh*, supra, the Hon'ble Supreme Court held:

"21. We respectfully agree with the said view and opine that under the scheme of the Act, in exercise of power under Section 11(1) of the Act, punishment of dismissal can be imposed. "

37. In *Ghulam Mohd. Bhat*, the Apex Court held:

"7. It may be noted that Section 9 of the Act mentions serious or heinous offences and also prescribes penalty which may be awarded for them. Section 10 deals with less heinous offences and clause (m) thereof shows that absence of a member of the Force without leave or without sufficient cause or overstay without sufficient cause, is also mentioned as less heinous offence and for that also a sentence of imprisonment is provided. It is, therefore, clear that Section 11 deals with only those minor punishments which may be awarded in a departmental inquiry and a plain reading thereof makes it quite clear that a punishment of dismissal can certainly be awarded thereunder even if the delinquent is not prosecuted for an offence under Section 9 or Section 10."

38. At this juncture, it is pertinent to note that while passing the dismissal order, the fifth respondent came to the conclusion that the offence committed by the delinquent (petitioner) is of very serious nature and he is not a fit person to be retained in a disciplined Force like CRPF and deserves stringent action against him. Therefore, in exercise of the powers vested under Section 11(1) of the CRPF Act, 1949 read with Rule 27(a) of CRPF Rules, 1955, the Commandant awarded the penalty of dismissal from service. This Court is of the view that the petitioner, being a member of the Central Reserve Police Force, could not have overstayed

on leave without prior permission. Moreover, the plea of the petitioner that he was of unsound mind has not been proved by producing continuous medical records. Therefore, it cannot be contended that the respondents have no power to dismiss the petitioner under Section 11(1) of the Act.

39. In view of the above discussion, it is held that since the petitioner has committed an act of misconduct, negligence of duty and disobedience of lawful order under Section 10(m) of the Act read with Rule 27 of the Rules, after due process, the disciplinary authority imposed a punishment of dismissal from service in exercise of powers vested upon him under Section 11(1) of the Act and as such the ground taken by the petitioner that the disciplinary authority has no power to pass such order is unsustainable in law.

40. It is to be pointed out that the petitioner being member of a disciplined force could not overstay without permission and/or leave and that too for a long period. As stated supra, the plea of the petitioner qua psychiatric illness alleged by him has not been proved by producing cogent and continuous medical records.

41. In *State of Punjab and others v. Mohinder Singh*, reported in (2005) 12 SCC 182, the Apex Court held:

"8. We do not agree with the High Court that a single act of remaining absent without leave would not amount to gravest act of misconduct. This would depend upon the fact situation of each case. In the present case we find that the respondent remained absent without leave for quite a long period. The explanation rendered by him did not find favour either with the enquiry officer or the punishing authority. The finding of facts were not disturbed in the departmental appeal/revision. This finding was also not disturbed in the suit. The only ground for setting aside the orders impugned in the suit is that a single act of remaining absent from duty without sanctioned leave did not merit an order of dismissal from service. We find from the record that the respondent had remained absent from duty without sanctioned leave on 15 different occasions. Although no major punishment was awarded to him but he was ordered to be censured once. In our view, the respondent being member of a disciplined force could not be permitted to remain absent without taking leave and that too for such a long period. He cannot be retained in service. The order impugned before us is set aside and the suit is ordered to be dismissed."

(emphasis supplied)

42. In *Union of India and others v. Irfan Ali*, reported in (2013) 2 North East Judgments 408, a Division Bench of the Gauhati High Court held as under:

"21. In *State of Punjab and others vs. Mohinder Singh*, reported in (2005) 12 SCC 182, the Supreme Court has pointed out that when a person belonging to paramilitary force remains absent from duty without leave, it is a great vest misconduct and an order of dismissal, if imposed by the disciplinary authority, ought not to be interfered with by the High Court.

22. In the present case too, we are of the view that when the reasons of absence of the petitioner from attending his duty had not been convincingly explained by the petitioner or, at any rate, was a disputed question of fact, the learned Single Judge ought not to have interfered with the penalty of dismissal of service imposed on the petitioner-respondent. "

(emphasis supplied)

43. As stated supra, the petitioner being a member of Central Reserve Police Force could not overstay without permission. Absence from duty without leave under Central Reserve Police Force is a gravest misconduct and the disciplinary authority was right in awarding punishment of dismissal from service.

44. Aggrieved by the order of dismissal from service dated 30.04.2012, the petitioner preferred an appeal on 10.05.2014 and the same was dismissed by the appellate authority holding that the appeal is time barred. Challenging the aforesaid orders, the petitioner approached this Court by filing W.P.(C) No.856 of 2014 and this Court, by an order dated 26.5.2015 while setting aside the orders impugned therein, remitted the matter to the appellate authority to consider the appeal. Pursuant to the order of this Court, the appellate authority viz., the Deputy Inspector General of Police reconsidered the appeal and rejected the same by an order dated 14.9.2015. The operative portion of the order of the appellate authority reads thus:

"12. Further, the appellant has not brought out any new facts material to the charge mitigating factors, which warrant consideration for interfering with the orders issued by the disciplinary authority and worth being taken into account with reference to relief sought in his appeal. Therefore, I do not find any cogent reason to interfere with the penalty of "Dismissal from Service" awarded by Commandant 27 Bn. CRPF vide his order No.P. VIII.10/2012-27-EC-II dated 30/04/2012.

13. Now, therefore, in view of above analysis of the case in the backdrop of appeal preferred by the appellate and on due application of mind and by virtue of powers vested in Range DIG under Rule 28 of CRPF Rules 1955, I reject the appeal being devoid of merits.

14. Appellant, is at liberty to file revision petition to the IGP, M&N Sector, CRPF, Imphal (Manipur) as provided under Rule 29 of CRPF Rules, 1955, if he is not satisfied with this order."

45. The petitioner assailed the order of the appellate authority dated 14.09.2015 by contending that the appellate authority has failed to consider the fact that a person suffering from mental disorder need not be hospitalized. On a perusal of the order of the appellate authority dated 14.09.2015, it is seen that the appellate authority has elaborately dealt with the appeal and rejected the same, which warrants no interference.

46. Challenging the order at the appellate authority, the petitioner has filed the

revision before the Inspector General of Police, Imphal. By the order dated 28.11.2015, the revisional authority rejected the revision holding as under:

"9. Now therefore, having gone through the entire case in all its bearings as well as facts enumerated in revision petition with due application of mind, I find that the petitioner overstayed of leave since 07/03/2011 (FM) on his own initiative and never reported for duty since then despite repeated requests made by his employer which led to gross misconduct on his part as a member of the disciplined Force and cannot go scot free for such misconduct. Given the nature of misconduct committed by the petitioner, I am fully convinced that he is not likely to make a disciplined member of the Force if reinstated into service. Since the petitioner could not bring out any new facts in his revision petition which necessitates further consideration, I therefore, do not find any cogent reason to interfere with the orders passed by the Disciplinary Authority as well as Appellate Authority. Hence, under the provision contained In Rule 29 of CRPF Rules, 1955, the Revision Petition dated 10.10.2015 submitted by No.991151226 Ex-CT/GD M. Dhanachandra Singh of 27 Bn. CRPF is rejected being devoid of merits."

47. I am in full agreement with the view taken by the revisional authority. The petitioner, being a member of the disciplined force like CRPF, high level of discipline is required to be maintained by him. In the case on hand, the petitioner has admittedly failed to maintain the discipline and had done grave misconduct of overstaying on leave without permission. When there was no sufficient reason for interference with the order of the disciplinary authority, appellate authority and the revisional authority, the High Court exercising jurisdiction under Article 226 cannot interfere with the same.

48. In *State of Meghalaya and others v. Mecken Singh N. Marak*, reported In (2008) 7 SCC 580, the Hon'ble Supreme Court held:

"14. In the matter of Imposition of sentence, the scope for Interference is very limited and restricted to exceptional cases. The jurisdiction of the High Court, to interfere with the quantum of punishment is limited and cannot be exercised without sufficient reasons. The High Court, although has jurisdiction in appropriate case, to consider the question in regard to the quantum of punishment, but it has a limited role to play. It is now well settled that the High Courts, in exercise of powers under Article 226, do not interfere with the quantum of punishment unless there exist sufficient reasons therefor. The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review. In the impugned order of the High Court no reasons whatsoever have been indicated as to why the punishment was considered disproportionate. Failure to give reasons amounts to denial of justice. The mere statement that it is disproportionate would not suffice."

49. The proved charge clearly establishes that the petitioner, who was a member of disciplined force, failed to charge his duties with utmost Integrity, honesty,

devotion and diligence and his act of overstaying on leave without permission was prejudicial to the department. Therefore, this Court is not inclined to interfere with the punishment imposed on the petitioner by the disciplinary authority, which was confirmed by the appellate authority and that was also affirmed by the revisional authority. No valid grounds have been made out to interfere with the well considered orders of the respondent authorities and the writ petition is liable to be dismissed.

50. In the result, the writ petition is dismissed.