

**(2002) 09 PAT CK 0077**  
**In the Patna High Court**  
**Case No : L.P.A. No. 1032 of 2002**

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| Satyendra Singh                     | Vs | APPELLANT  |
| The Union of India (UOI) and Others |    | RESPONDENT |

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**Date of Decision :** 25-09-2002

**Acts Referred:**

**Citation :** (2002) 4 PLJR 735

**Hon'ble Judges :** Ravi S. Dhavan, C.J;R.N. Prasad, J

**Bench :** Division Bench

**Advocate :** Ratan Kumar, for the Appellant; P.K. Shahi, for Union of India, for the Respondent

**Final Decision :** Dismissed

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## Judgement

1. The Petitioner has filed the present Letters Patent Appeal to impugn the decision of the learned Judge dated 19 August, 2002 (C.W.J.C. No. 6993 of 2002 Satyendra Singh v. The Union of India and Ors.). The contention before this Court is that he is entitled to sustain the petition before the Patna High Court and receive consideration on merits on the petition which he has filed.

2. While the Court is not going into the aspect of the jurisdiction so much for the simple reason that the Petitioner himself desired that he be heard here. The Court has heard the Petitioner. The Court will leave the observations of the learned Judge as they lie on the record. From the facts as have been narrated in the petition and the supplemental records, the Court finds that the Petitioner has suppressed material facts from the High Court. The Court will revert to this aspect later.

3. The Petitioner was a Lance Nayak with the Army. He received a movement order on 17 October, 1999 at Allahabad for joining Sriganga Nagar on 28 October, 1999. The Petitioner did not report to his unit on the scheduled day. The Petitioner himself is conscious of the fact that not to report for duties when called upon to do so whether on the exhaustion of leave or otherwise is a serious

offence within the military. The Petitioner shows consciousness of this regulation of the military in his application addressed to the Secretary, Ministry of Defence, New Delhi, the application is dated 30 July, 2001 (Annexure 1). This much of the record is available from the Petitioner's writ petition. Another record was presented subsequently, classifying the Petitioner's status and the cause on which he lost his assignment with the Army. The Petitioner filed a supplementary affidavit. The supplementary affidavit is dated 30 July, 2002. What is mentioned in a communication appended to the supplementary affidavit is compatible with the consciousness of the Petitioner on what the true state of affairs are. The Petitioner was aware at every given time that he had overstayed his leave. The communication which was addressed to the Petitioner's home is dated 30 July, 2002. The recital to the communication describes the Petitioner as a "deserter". The communication is addressed to the Petitioner's wife. An account of Rs. 12,661/- still lies in the account of the Petitioner which he or his wife may receive.

4. The balance which remains on record now are facts concerning military personnel bound by regimented discipline. The Petitioner overstayed his leave. He did not report to his unit. He was classified as a deserter. The High Court should not be interfering in this matter.

5. Dismissed.