
(2006) 03 PAT CK 0042
In the Patna High Court
Case No : CWJC No. 9617 of 1999

Sri Ramchandra Singh

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 08-03-2006

Acts Referred:

Citation : (2006) 2 PLJR 274

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Judgement

V.N. Sinha, J.—Heard Sri Nawal Kishore Singh for the petitioner and Sri Ajay Tripathy for the Union of India appearing on behalf of the Central Reserve Police Force (for short the CRPF) authorities. The petitioner who served the C.R.P.F. as constable with effect from 4.11.1971 has come to this Court assailing the order of dismissal from service passed by the Disciplinary authority dated 26.12.1987, Annexure-4 which has been affirmed by the Appellate Authority under order dated 22.4.1988, Annexure-6 as also further confirmed in revision by the Revisional Authority under order dated 1.9.1988, Annexure-7 holding him guilty of misrepresentation in regard to the reasons which held him back in the village home even after expiry of sanctioned leave. The aforesaid three orders have been passed taking into account the own admission of the petitioner, as such, this Court is not in a position to consider the correctness or otherwise of the findings recorded in the three orders. One thing, however, strikes at the very root of the punishment of dismissal imposed on the petitioner as the authorities while imposing the said punishment did not take into account the unblemished service career of the petitioner for a long period of 17 years and the said fact has persuaded this Court to call upon the Director General of the C.R.P.F., respondent No. 3 to consider the representation of the petitioner dated 22.5.1999, Annexure-9 filed against the aforesaid three orders, a copy whereof should again be filed by the petitioner before the Director General of the C.R.P.F. alongwith a copy of this order within a period of three weeks from the date of receipt of a copy of this order and the Director General should dispose of the same within a

period of another two months from the date of its receipt. While disposing of the representation of the petitioner the learned Director General should bear in mind that the petitioner had a unblemished 17 years long service career in the C.R.P.F. and the misrepresentation which he made was on account of his anxiety to save himself from suspension during the pendency of the criminal case but when misrepresentation was reported by the local police to the C.R.P.F. authorities he like an disciplined member of the Force admitted the misrepresentation which should be taken as a mitigating circumstance as in the criminal case he was acquitted on merits under judgment dated 31.3.1999, Annexure-8. The learned Director General taking into account the aforesaid facts and circumstances of this case should modify the punishment imposed on the petitioner and award him any punishment other than dismissal and removal from service. In the event punishment is modified into one of compulsory retirement, the petitioner shall not be entitled for any arrears of salary or consequential benefits of promotion during the period between 26.12.1987 till date of order modifying the punishment.

2. The writ petition is disposed of in the aforesaid terms. No cost.