

(2011) 08 JH CK 0023

Jharkhand High Court

Case No: L.P.A. No. 101 of 2011 and I.A. No. 764 of 2011

Shashi Kant Ojha

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision: Aug. 19, 2011

Hon'ble Judges: Prakash Tatia, Acting C.J.; Harish Chandra Mishra, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

1. The delay of 259 days in filing the L.P.A. is condoned.
2. Heard learned Counsel for the parties on merit.
3. The Appellant was charge-sheeted and we have perused the charge as referred in the order (Annexure-8) and we are of the considered opinion that it is a case of gross indiscipline in the armed force as well as playing with the security and further abusing the officers and not accepting the order of suspension and thereafter remaining absent from duty and before this incident of 14.04.2006, followed by the incident of 15.04.2006 and 16.04.2006, the Appellant was also found guilty on earlier occasion for the charge of threatening the higher officers.
4. Learned Counsel for the Appellant could not draw our attention towards unfairness in the enquiry or not following the rule of procedure in the enquiry. The findings are based on the evidence and so far as quantum of punishment is concerned, we are of the opinion that the awarded punishment cannot be said to be disproportionate to the guilt of the Appellant. Therefore, learned Single Judge was wholly justified in dismissing the writ petition of the Petitioner. Hence, the L.P.A. is dismissed.