

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(S) No. 4844 of 2022**

Sanjay Kumar Bharti son of Shri Vikrama Ram, aged about 27 years, resident of village-Koljhiki, P.O-Bhojpur, P.S.-Nagar Untari, District Garhwa.  
**... .. Petitioner(s)**

**Versus**

1. The Union of India, Ministry of Home Affairs, New Delhi J6H7 + 2QW, PO & PS Jai Singh Marg, PIN Code 110001, Dist.-New Delhi
2. The Director General of Central Reserve Police Force, Jharkhand Sector, Ranchi PO+PS & District-Ranchi
3. Inspector General of Central Reserve Police Force, Ranchi, P.O.+ P.S & District - Ranchi.
4. The Deputy Inspector General of Central Reserve Police Force, PO+PS & District- Ranchi.
- 5.The Commandant 133<sup>rd</sup> Battalion, Central Reserve Police Force, HEC, Sector-2, Dhurwa, P.O.-Dhurwa, P.S.-Jagannathpur, District - Ranchi.  
**... .. Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

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|-----------------------|------------------------------------------------------------------------------------------------|
| For the Petitioner(s) | : Mr. Munna Lal Yadav, Advocate<br>Mr. Sarvendra Kumar, Advocate<br>Mr. Deepak Kumar, Advocate |
| For the Respondent(s) | : Mr. Jitendra Tripathi, CGC                                                                   |

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**Order No. 16 /Dated: 8<sup>th</sup> April 2026**

Learned counsel for the petitioner intends to file rejoinder to the counter affidavit; same is taken on record.

2. With the consent of the parties the matter is being taken for hearing today itself.
3. The instant writ application has been filed by the petitioner for the following reliefs:

*“1.(I) To quash/set aside the Office Order dated 03.05.2018 (Annexure-6) passed by the Commendent-133<sup>rd</sup> BN, CRPF, HEC, Sector-2, Dhurwa, Ranchi whereby and where under the petitioner has been dismissed from service for absence without leave with effect from 14.03.2017 to 23.03.2017 i.e. 10 days and also other penalty was given to the petitioner.  
(II) To also quash/set-aside the order dated 03.07.2021 (Annexure-7) passed by the D.I.G, Central Reserve Police Force, Ranchi, Range,*

*Sembo, Ranchi, Jharkhand whereby and whereunder appeal, which is filed by the petitioner has been dismissed and confirmed the order passed by the Commandant, 133 Battalion, CRPF, HEC, Sector-2, Dhurwa, Ranchi, Jharkhand.*

*(III) To quash/set aside the order dated 18-08-2022 (Annexure-8) passed by the Director General, Jharkhand Sector, CRPF, Dhurwa, Ranchi whereby and whereunder revision application filed by the petitioner has been rejected and affirmed the order passed by the Commandant and DIG CRPF, Ranchi has been affirmed.*

*(IV) To quash/set aside the entire departmental proceeding initiated against the petitioner.*

*(V) To grant all consequential benefits and for direction to the petitioner to be deemed to have been service continuously.*

*(VI) For any other appropriate relief or reliefs to which the petitioner is found to be entitled in the facts and circumstances of the present case.”*

4. After going through the charge, it appears that though the petitioner took leave for 10 days from 14.03.2021 to 23.03.2017; however, he did not join his service thereafter. Without any information, much less permission, he remained absent since 24.03.2017. In the entire departmental proceedings, which was conducted *ex parte* for the reason that several letters were issued to the petitioner to appear in the departmental proceeding but he failed to give importance to all such letters. After the order of dismissal, he raised a ground of illness of his wife; however in support of her illness, no document was produced either before the appellate/revisional authority or before this Court.

5. Learned counsel for the petitioner fairly submits that the petitioner was unable to join the duty due to illness of his wife but he could not say what was the illness. Admittedly, there is no procedural error in the instant case because the respondents in order to procure attendance of the petitioner have regularly sent letters/notices to the petitioner but they failed to procure attendance of the petitioner, as such the disciplinary authority was forced to take final decision in the background that the petitioner was in disciplined force.

At this stage itself, it is pertinent to mention here that the service of a disciplined force and service of other civilians cannot be equated on the same footing. In disciplined force, the employees are expected to be more

serious and sincere and in the case at hand though the petitioner was given leave of 10 days only but he remained absent thereafter and only after passing of the order of punishment he appeared before the department by filing appeal. Therefore, no mercy can be shown to this petitioner because he is in a disciplined force.

Now, the petitioner wants that his case should be decided on mercy because his revision application has also been dismissed.

6. Learned counsel for the petitioner after some argument has prayed to this Court that the petitioner may be given liberty to file mercy petition before the Director General of Police, CRPF.

7. Learned counsel for the respondents does not raise objection if the petitioner files mercy petition.

8. Accordingly, the instant writ application stands disposed of with liberty to the petitioner as prayed for.

9. Pending I.As, if any, also stand disposed of.

**(Deepak Roshan, J.)**

8<sup>th</sup> April 2026

Amit

Uploaded on 21/04/2026