

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 1446/2025

IN

S.B. Civil Writ Petition No.10064/2008

Karanveer Singh S/o Late Shri Mahendra Singh Rajput, Aged About 50 Years, Ex. Constable No. 728, 5Th Battalion Rac Jaipur, R/o House No. 216, Man House, Dadu Marg, Barkat Nagar, Tonk Phatak, Jaipur.

----Appellant

Versus

1. State Of Rajasthan, Through The Dy. Secretary, Govt. Of Rajasthan, Jaipur.
2. Commandant 5Th Battalion Rac, Jaipur.
3. Addl. Inspector General Of Police, Rac, Jaipur.

----Respondents

For Appellant(s)	:	Mr. Sandeep Saxena with Ms. Neha Swami.
For Respondent(s)	:	Mr. Bhuwadesh Sharma, AAG assisted by Mr. Vishnu Dutt Sharma.

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/04/2026

1. The present appeal has been filed by the appellant challenging the order dated 04.09.2025 passed by the learned Single Judge of this Court in S.B. Civil Writ Petition No.10064/2008, whereby the writ petition filed by the appellant was dismissed.
2. Learned counsel for the appellant submitted that the impugned order passed by the learned Single Judge is erroneous and contrary to the material on record. He further argued that the

departmental enquiry was conducted in violation of principles of natural justice, as adequate opportunity of hearing was not afforded to the appellant. He further argued that the findings of the enquiry officer are perverse and not based on cogent evidence and the disciplinary authority has mechanically affirmed the same without independent application of mind. He further argued that the medical certificates produced by the appellant have been wrongly disbelieved. Lastly, it is submitted that the punishment of dismissal from service is disproportionate to the alleged misconduct.

3. Counsel appearing on behalf of the respondents has opposed the submissions made by counsel for the appellant and submitted that the learned Single Judge has rightly dismissed the petition filed on behalf of the appellant.

4. Heard counsel for the parties and carefully gone through the material available on record as well as the order passed by the learned Single Judge.

5. The learned Single Judge, while dismissing the writ petition vide order dated 04.09.2025, observed as under:-

“The petitioner did not file any response to the charge-sheet. The enquiry officer, vide his report dated 21.09.2004, found the charges no.1, 2 and 5 to be fully proved, the charge no.4 to be partly proved and the charges no.3 and 6 not to be proved. The disciplinary authority, agreeing with the findings of the enquiry officer, inflicted the punishment of ‘dismissal from service’ upon him. A perusal of the order impugned dated 29.10.2004 reflects that while finding the charge no.1 to be proved against him, it was held that the medical certificates submitted by the petitioner were issued by the different doctors, some of the certificates were issued by the medical officer(s) lower in hierarchy

than the treating medical officer, corresponding prescription slip(s) as also the medical bills were not produced. While finding him guilty of the charge no.2, it was held that the petitioner was not able to establish his defence that he could not attend the duty on account of illness of his mother. It was held that the petitioner never informed the department or the higher officials even telephonically that his mother was ill and in his joining application (Ex P7), neither the period for which his mother was ill, was mentioned nor, where and under whom she was under treatment, was reflected nor, any certificate of her illness was submitted. While holding him partly guilty of charge no.4, after appreciating the material on record, it was held that the petitioner remained absent from training thrice during his two years of service. Similarly, after appreciating the evidence on record, the petitioner was found guilty of charge no.5. The appeal as also the review petition preferred by him have been dismissed vide reasoned and speaking orders. Thus, from the material on record, this Court finds that the penalty of 'dismissal from service' has been inflicted on the petitioner by the disciplinary authority after proper appreciation of the evidence on record which has been upheld by the appellate authority as also by the reviewing authority. During the short service tenure of about two years, the petitioner has absented himself from the training thrice and has remained will fully absent from duty more than once and in view thereof, this Court finds no justification to interfere with the order impugned.

Contention of the learned counsel for the petitioner that without recording a finding that the medical certificates submitted by him to justify his absence were forged, he could not have been held guilty, does not merit acceptance. In the order impugned dated 29.10.2004, the medical certificates submitted by the petitioner have been disbelieved assigning the cogent reasons, as stated hereinabove. Even otherwise, it is trite law that this Court, under its writ jurisdiction, does not sit as an appellate authority over the findings recorded by the

disciplinary authority based on appreciation of the evidence on record.

The upshot of the aforesaid discussion is that the writ petition is devoid of merit and is dismissed accordingly.

Pending application(s), if any, also stands disposed of accordingly”

6. The learned Single Judge, upon due consideration of the entire material on record has recorded a categorical finding that the disciplinary proceedings were conducted in accordance with law and the findings recorded by the enquiry officer were based on proper appreciation of evidence. It has further been observed that the disciplinary authority, agreeing with the findings of the enquiry officer, imposed the penalty of dismissal from service, which was subsequently affirmed by the appellate as well as the reviewing authority by passing reasoned and speaking orders.

7. The learned Single Judge has also rightly held that in exercise of writ jurisdiction, the Court does not act as an appellate authority to re-appreciate the evidence and interfere with the findings of fact recorded in departmental proceedings, unless the same are shown to be perverse or contrary to the record.

8. The Hon’ble Supreme Court in the matter of **Union of India & Ors. Vs. Datta Linga Toshatwad** reported in **2005 (13) SCC 709**, wherein para 8 it has been held as under:-

“8.The present case is not a case of a constable merely overstaying his leave by 12 days. The respondent took leave from 16-6-1997 and never reported for duty thereafter. Instead he filed a writ petition before the High Court in which the impugned order has been passed. Member of the uniform forces cannot absent themselves on frivolous pleas, having regard to the nature of the duties

enjoyed on these forces. Such indiscipline, if it goes unpunished, will greatly affect the discipline of the forces. In such forces desertion is a serious matter. Cases of this nature, in whatever manner described, are cases of desertion particularly when there is apprehension of the member of the force being called upon to perform onerous duties in difficult terrains or an order of deputation which he finds inconvenient, is passed. We cannot take such matter lightly, particularly when it relates to uniformed forces of this country. A member of a uniformed force who overstays his leave by a few days must be able to give a satisfactory explanation. However, a member of the force who goes on leave and never reports for duties thereafter, cannot be said to be one merely overstaying his leave. He must be treated as a deserter. He appears on the scene for the first time when he files a writ petition before the High Court, rather than reporting to his Commanding Officer. We are satisfied that in cases of this nature, dismissal from the force is a justified disciplinary action and cannot be described as disproportionate to the misconduct alleged."

9. From the material on record, it is evident that the appellant remained absent from duty on multiple occasions and failed to substantiate his defence with credible evidence. The medical certificates produced by him were disbelieved for cogent reasons, and no illegality or perversity has been committed in recording the findings.

10. The appellant was appointed as constable in the Rajasthan Armed Constabulary and in our considered view, indiscipline cannot be tolerated from the employees of the Disciplinary Forces who are meant for maintaining the law and order in the State.

11. In our considered opinion, the order passed by the learned Single Judge does not suffer from any infirmity, illegality or perversity warranting interference by this Court in the present intra-court appeal.

12. Accordingly, the appeal being devoid of merit is hereby dismissed.

13. Pending application(s), if any, also stand disposed of.

(ASHOK KUMAR JAIN),J

(INDERJEET SINGH),J