

HC reinstates constable dismissed over lost rifle

■ Staff Reporter

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THE Chhattisgarh High Court in Bilaspur has dismissed the State Government's writ appeal challenging the reinstatement of a police constable who was dismissed from service in connection with the loss of an INSAS rifle and cartridges in Mahasamund district.

A Division Bench comprising Chief Justice Ramesh Sinha and Justice Bibhu Datta Guru ruled that the disciplinary proceedings against Constable Narendra Kumar Yadav stood vitiated, as the enquiry officer had also assumed the role of presenting officer-contrary to established principles of natural justice.

The constable, along with four

others, was charge-sheeted in 2013 after leaving the security post on Republic Day, during which an INSAS rifle and 20 rounds went missing. While two constables were terminated and two others demoted, Yadav faced dismissal, upheld in departmental appeal and revision. He subsequently challenged the termination before a Single Judge, who set aside the order in February this year.

The State argued before the Division Bench that the charges were grave, involving a sophisticated weapon deployed in Naxal-affected areas, and that full opportunity of defence had been provided. However, the Bench noted that in similar cases of Alexius Minj and Deepak Vidani, the High Court had ear-

lier quashed termination orders and directed reinstatement, and the State had not filed appeals against those rulings.

Citing Supreme Court precedent in Union of India vs. Ram Laxhan Sharma, the Bench reiterated that an enquiry officer cannot simultaneously act as prosecutor, as it undermines impartial adjudication. Observing selective pursuit of appeal only against Yadav, the Court termed the State's approach as biased.

While upholding reinstatement with full service benefits, the Bench struck down the liberty granted by the Single Judge permitting the State to initiate fresh proceedings, emphasising that such liberty had not been allowed in the cases of others similarly placed constables.