

GAHC010259592023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/6701/2023**

PHANIDHAR PATIRI  
SON OF LATE JAPAK PATIRI, PERMANENT RESIDENCE OF VILL- ALIGURI,  
P.O. SUBHANSHIRIMUKH, P.S. GOHAPUR, IN THE DISTRICT OF SONITPUR,  
ASSAM, INDIA AND PRESENTLY RESIDING AT HOUSE NO. 12, BISHNU  
NAGAR, SANTIRAM KRO PATHA, 01 NO. MADGHARIA, PATHARQUARY,  
P.S. NOONMATI, IN THE DISTRICT OF KAMRUP (M), GUWAHATI-71,  
ASSAM, INDIA

VERSUS

THE UNION OF INDIA AND 6 ORS  
TO BE REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,  
MINISTRY OF RAILWAY, NEW DELHI, INDIA

2:THE DIRECTOR GENERAL  
RAILWAY PROTECTION FORCE  
RAILWAY BOARD  
NEW DELHI  
INDIA

3:THE NORTH EAST FRONTIER RAILWAY  
REPRESENTED BY THE GENERAL MANAGER  
RAILWAY HEAD QUARTER  
NORTH EAST FRONTIER RAILWAY  
MALIGAON  
GUWAHATI-11  
ASSAM

4:THE CHIEF SECURITY COMMISSIONER  
RAILWAY PROTECTION FORCE  
N.F. RAILWAY  
MALIGAON

GUWAHATI-11  
ASSAM

5:THE SR. DIVISIONAL SECURITY COMMISSIONER  
RAILWAY PROTECTION FORCE  
N.F.RAILWAY  
LUMDING  
DISTRICT- HOJAI  
ASSAM

6:THE DIVISIONAL SECURITY COMMISSIONER CUM THE DISCIPLINARY  
AUTHORITY  
RAILWAY PROTECTION FORCE  
N.F.RAILWAY  
LUMDING  
DISTRICT- HOJAI  
ASSAM

7:THE ASSISTANT SECURITY COMMISSIONER CUM ENQUIRY OFFICER  
RAILWAY PROTECTION FORCE  
N.F.RAILWAY  
LUMDING  
DISTRICT- HOJAI  
ASSA

**Advocate for the Petitioner** : MRS. B TALUKDAR

**Advocate for the Respondent** : DY.S.G.I.

**BEFORE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date :** 22-11-2023

Heard Ms. B. Talukdar, learned counsel for the writ petitioner. Also heard Mr. B. Chakraborty, learned CGC appearing for the respondents.

The writ petitioner herein was an employee of the Railway Protection Force (RPF) and was posted at the New Guwahati RPF Post when a Disciplinary Proceeding (DP) was initiated against him. The DP culminated in the speaking order dated 05-10-2023 issued

by the Disciplinary Authority-cum-Pr.CSC/RPF whereby, penalty of compulsory retirement was imposed upon the petitioner on the ground that the misconduct had been found to have been established.

Aggrieved by the speaking order dated 05-10-2023, the petitioner has preferred a statutory appeal before the Director General of RPF on 01-11-2023. However, contending that no interim order has been passed so as to reinstate the petitioner in services during the pendency of this appeal, the instant writ petition has been filed.

Ms. Talukdar submits that since there is no certainty as regards the time that will be consumed for disposal of the appeal, the prayer for interim order made by the petitioner be considered by this Court.

Mr. B. Chakraborty, learned CGC, on the other hand, submits that the appeal had been preferred by the writ petitioner only on 01-11-2023. Therefore, the same will be disposed of expeditiously. If the petitioner so desires, it would be open for him to seek interim relief even before the appellate authority. As such, this writ petition be not entertained by this Court. Mr. Chakraborty, therefore, submits that the writ petition is premature and is liable to be dismissed on such count alone.

It is the admitted position that an appeal lies against the impugned speaking order dated 05-10-2023 and the petitioner has already preferred an appeal under Rule 211 of the RPF Rules, 1987 before the authority which is pending disposal. If that be so, the appeal is required to be heard and disposed of expeditiously. It is only after the disposal of the statutory appeal that the petitioner may acquire some right to approach this Court

by filing a writ petition.

In view of the above and having regard to the peculiar facts and circumstances of the case, this writ petition stands disposed of by providing that the appeal preferred by the petitioner be heard and disposed of, as expeditiously as possible, preferably within 60 days from the date of receipt of a certified copy of this order.

The petitioner would also be at liberty to pray for an interim order for his reinstatement in service before the appellate authority, if so advised, which prayer may be considered on its own merit, if and when the occasion arises.

If the petitioner continues to remain aggrieved in the matter, even thereafter, it will open for him to approach this Court once again by filing appropriate proceeding.

With the above observation, this writ petition stands disposed of.

**JUDGE**

GS

**Comparing Assistant**