

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C)No.270 of 2021

Shiv Kumar Singh

...Petitioner

- Versus-

Union of India & 3 Ors.

...Respondents

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA
ORDER
(Oral)

14.05.2024.

[1] Heard Mr. S. Worthing, learned counsel for the petitioner and Mr. Boboy Potsangbam, learned CGSC assisted by Mr. Gautam, learned counsel for the Union of India.

[2] Vide order dated 19.11.2019 passed by Deputy Inspector General in the disciplinary proceeding charges against the petitioner and in exercise of power under Section 11(1) of the CRPF-Act 1949 read with rules 27(a) CRPF Rules 1955, a penalty was awarded to the petitioner who is SI in CRPF and the orders in the said departmental enquiry is reproduced as follows:

(1) Pay of No.155150083 ST/GD Shri Kumar Singh BN be reduced to Rs. 35400/-(i.e, minimum scale of pay matrix level-6 for period of 3 years w.e.f. the date of issue of this order i.e., from 19.11.2019). It is further directed that he will not earn increment of pay during his period of reduction and that on the expiry of this period; the reduction will have the effect of postponing his future increment pay.

(2) Suspension of F.N.155150083 ST/GD Shri Kumar Singh revokes through his office order dated 19.11.2019.

(3) What F.N. 155150083 has been received during his suspension period (30-11-18 to 19-11-2019). Nothing will be paid other rest amount of money during the same period and rest amount of pay and allowance forfeit and his suspension period will treat as non-qualifying service.

[3] It is was informed that the petitioner can prefer a Revision under the provision under Rule 29(a) of CRPF Rules 1955 to the next Superior/Second Appellate authority.

[4] Accordingly, the petitioner preferred an appeal to the IGP, CRPF Manipur & Nagaland Sector Imphal, Manipur. It is stated that the appeal has been disposed of and rejected on 19.03.2020. The petitioner approached this Court by way of the present writ petition praying for quashing the impugned final order dated 19.11.2019 and to release all the allowances and to direct the respondents/authorities concerned to promote the petitioner from the post of SI/GD to the post of Insp./GD.

[5] Mr. Boboy Potsangbam, learned CGSC for the respondents has pointed out that since there is a provision for revision before the Superior/Second Appellate authority, this Court may dispose of the writ petition by directing the petitioner to approach the Superior/Second Appellate authority under Rules 29(a) of CRPF Rules 1955.

[6] Mr. S. Worthing, learned counsel appearing for the petitioner submits that the writ petition may be disposed of provided that this Court does not express any opinion on the merit of the case with a liberty to file revision.

[7] Recording the submissions made at bar, the writ petition is disposed of with liberty to file revision under Rules 29(a). The Superior/Second Appellate authority shall dispose of the Revision on merit as per rules within period of 3(three) months from the date of receipt of a copy of this order.

[8] With the above observations, writ petition is disposed of.

[9] Furnish a copy of this order to the learned counsel appearing on behalf of the parties.

JUDGE

John Kom