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**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**W.P.(C) No. 909 of 2022**

Thokchom Thakurjit Singh

*... Petitioner*

*- Versus -*

Union of India & 2 Ors.

*... Respondents*

**B E F O R E  
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU**

**O R D E R  
(Oral)**

29.08.2024

[1] Heard Mr. AP. Sahu, learned counsel appearing for the petitioner and Mr. Boboy Potsangbam, learned CGSC appearing for the respondents.

[2] The present writ petition has been filed under Article 226 of the Constitution of India with the following prayer:

- (i) Call for records of the case and issue rule nisi calling upon the respondents to show cause as to why the prayer prayed for by the petitioner shall not be granted and after hearing them make the rule absolute.
- (ii) Issue writ of certiorari and/or any other appropriate writ/order/direction by quashing/setting aside the

impugned orders dated 25.06.2021 (Annexure – A/3) as the same are not sustainable in the eyes of law.

- (iii) Issue writ of mandamus and/or any other appropriate writ/order/direction to the respondents by directing them to reinstate/take the petitioner back in service with all the consequential benefits within a period of stipulated period.
- (iv) Pass any other appropriate writ/order/direction that the Hon'ble Court deems fit and proper.
- (v) Award cost of the petition to the petitioner.

[3] During the course of hearing, Mr. Boboy Potsangbam, learned counsel appearing for the respondents placed the Assam Rifles Rules, 2010 published in the Gazette Notification issued by the Government of India, Ministry of Home Affairs. The learned counsel for the respondents has pointed out that since there is a provision to file appeal before the appellate authority, this Court may dispose of the writ petition by directing the petitioner to approach the appellate authority as per rules. Section 28 of the said Rules is extracted herein below:

***"28. Appeal against orders of dismissal, removal or compulsory retirement. -***

*A person subject to the Act other than an officer who has been dismissed, removed or compulsory retired from service, shall have the right to put in an appeal against the termination of his service to any authority, higher than the one who has passed the termination order within ninety days of the termination of service.*

*(2) In case of Officers, appeal shall lie to the Central Government and such appeal shall be filed within ninety days of the termination of service.*

*(3) Where the appellate authority set aside the order of dismissal, removal or compulsory retirement under this rule, such authority shall*

*pass such orders as may be necessary in respect of the period of absence from duty of the person whose dismissal, removal or compulsory retirement has been set aside.*

[4] Mr. AP. Sahu, learned counsel appearing for the petitioner fairly does not oppose the submission made by the learned counsel appearing for the respondents. The learned counsel also submits that the present 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 appeal.

[5] Recording the submissions made at the Bar, the writ petition is disposed of with liberty to file an appeal before the appellate authority within a period of 2 (two) weeks.

[6] The appellate authority shall dispose of the appeal on merit as per rules within a period of 3 (three) months from the date of receipt of a copy of this order.

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

[8] A copy of this order be furnished to the learned counsel appearing for both the parties.

**JUDGE**

*Bipin*