

GAHC040008922023



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

Case No. : Review Pet./10/2023

THE STATE OF AP and 3 Ors.
Represented by the Commissioner (Home), Govt. of Arunachal Pradesh.

2: the Inspector General of Police
Govt. of Arunachal Pradesh. Itanagar

3: the Deputy Inspector General of Police
Govt. of Arunachal Pradesh. Itanagar

4: the Commandant
3rd IRBN BHQ, Seijos, Pakke Kessang District, Arunachal Pradesh

VERSUS

Ram Kino (Ex HC)
S/o Late Dangro Kino,
Village Nitidarlong, PO/PS Seijosa, District Pakke Kessang, Arunachal Pradesh.

Advocate for the Petitioner : Subu Tapin

Advocate for the Respondent :

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 05.09.2024

Heard Mr. S. Tapin, learned Senior Govt. Advocate for the review

petitioners-State of Arunachal Pradesh. None appears for the respondent/writ petitioner despite service of notice.

This Review petition has been filed by the State for seeking review of the order dated 18.05.2023, passed in WP(C)236/2023, whereby this Court had directed the review petitioners to consider and dispose of the appeal preferred by the petitioner dated 02.11.2022 against the order of dismissal from service dated 03.01.2022, within a period of 45(forty five) days from the date of receipt of a certified copy of the order, with a speaking order.

Mr. Tapin, learned Senior Govt. Advocate for the review petitioners submits that the departmental appeal preferred by the petitioner dated 02.11.2022 was disposed of with a speaking order on 26.04.2023, by the Deputy Inspector General of Police(Ops), Arunachal Pradesh, Itanagar. However, when the order dated 18.05.2023, passed by this Hon'ble Court, the said facts could not be placed before this Court. Therefore, he submits that in view of the order dated 26.04.2023, passed by the concerned authority disposing of the appeal of the petitioner before the direction of this Hon'ble Court for consideration and disposal of the said appeal of the petitioner, it is not possible to give effect to the order under review. Therefore, the order dated 18.05.2023 may be appropriately reviewed.

Having considered that the departmental appeal of the petitioner dated 02.11.2022 was disposed of on 26.04.2023, before passing of the order dated 18.05.2023, I am of the view that the direction issued for disposal cannot be given effect to.

Considering the above, liberty is granted to the petitioner to avail the remedy before the appropriate authority.

In view of the above, the order dated 18.05.2023 is hereby recalled.

However, the perusal of the order dated 26.04.2023, passed by the Deputy Inspector General of Police(Ops), Arunachal Pradesh shows that the liberty has been given to the petitioner to file revision petition in terms of the applicable rules, if so advised

The present review petition is accordingly, allowed and disposed of.

JUDGE

Comparing Assistant