

GAHC010284612023



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

Case No: I.A.(Civil)/2294/2024

THE UNION OF INDIA
REPRESENTED BY THE HOME SECRETARY
GOVT. OF INDIA
NEW DELHI
PIN-110001

2: THE DY INSPECTOR GENERAL
CISF(NEZ)
KOLKATA-17.

3: THE COMMANDANT
CISF UNIT
ONGC
JORHAT
PIN- 785001.

4: THE ASSISTANT COMMANDANT
CISF UNIT ONGC
JORHAT
PIN- 785001.
VERSUS

KALADHAR CHAUBEY
S/O SHARADA PRASAD CHAUBEY
R/O- HATHIAR KHURD
P.O- KATIHAR KALA
P.S- CHOLAPUR
DISTRICT- VARANASI (UP)
PIN- 221101.

Advocate for : MRS. A GAYAN

Advocate for : appearing for KALADHAR CHAUBEY

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 09.08.2024

(K.R. Surana, J)

Heard Ms. A. Gayan, learned counsel for the applicant.

2. This interlocutory application has been filed with a prayer for stay of the operation of the impugned judgment and order dated 06.06.2023, passed in WP(C) 4518/2008 as well as order dated 02.08.2013, passed in Review Petition No. 89/2023.

3. It may be mentioned that in the connected interlocutory application for condonation of delay, being IA(Civil) No. 257/2024, the respondent has not appeared despite service of notice.

4. It may be stated that the learned Single Judge had granted relief to the opposite party herein in view of the earlier judgment and order of this Court dated 10.05.2018, passed in WP(C) 4571/2008 and the dismissal of the Writ Appeal No. 120/2019, which was preferred against the said judgment for the purpose of granting relief in the WP(C) 4518/2008. It may also be stated that the petitioners in both the aforesaid writ petitions were charged for same set of charges. Accordingly, without prejudice to the appellant in the connected appeal, the Court is inclined to stay the operation of only that part of the order dated 02.08.2023, passed in Review Petition No. 89/2023 as well as order dated 06.06.2023, passed in WP(C) 4518/2008 insofar as it relates to payment of back wages for the period the respondent was not in service.

5. However, it is made clear that the other directions contained in the said judgment, which relates to reinstatement of the respondent in service has not been stayed, but the same shall be subject to further or final order that may be passed in the connected WA 251/2024.

6. Therefore, it is clarified that there is no impediment for the reinstatement of the respondent in service in compliance with the judgment dated 06.06.2023, passed in WP(C) 4518/2008, which shall be subject to further orders that may be passed in the connected writ appeal.

7. With the aforesaid direction, this interlocutory application stands allowed.

JUDGE

JUDGE

Comparing Assistant