GAHC010118242026

undefined

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

Case No. : WA/197/2026

G KUMAR
S/O SH. P.G. GANGADHARAN,
PRESENTLY RESIDING AT GOS MESS SUIT NO. 104,
CRPF CAMPUS, AMERIGOG,
GUWAHATI, ASSAM- 781023

-VERSUS-

UNION OF INDIA AND 2 ORS.
THROUGH SECRETARY, (THROUGH COUNSEL),
DEPARTMENT OF HOME AFFAIRS, NEW DELHI- 110092

2:CENTRAL ARMED POLICE FORCE (CAPF)
THROUGH DIRECTOR GENERAL POLICE
O/O DIRECTOR GENERAL
CRPF
BLOCK NO. 1
CRPF COMPLEX
LODHI ROAD
NEW DELHI- 110003

3:UNION PUBLIC SERVICE COMMISSION
UPSC BHAVAN
SHAHJAHAN RD
UPSC
MAN SINGH ROAD AREA
NEW DELHI
DELHI- 11006

For the appellant : Mr. K.N. Choudhury, Sr. Advocate
Assisted by Ms. T. Som, Advocate

For the respondents : Mr. H. Gupta, C.G.C. for
Respondent Nos.1 and 2
Dr. A. Todi, Advocate for
Respondent No.3

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

24-06-2026

(Ashutosh Kumar, C.J.)

We have heard Mr. K.N. Choudhury, learned Senior Advocate for the appellant and Mr. H. Gupta, learned Central Government Counsel for the respondents.

2. By the present appeal, two orders, dated 29.05.2026 and 03.06.2026, passed by the learned Single Judge of this Court in WP(C) 2805/2026 and I.A.(Civil) 1842/2026, respectively, have been assailed.

3. The appellant, a serving Commandant in Central Reserve Police Force, presently undergoing a departmental proceeding, is aggrieved by the action of the disciplinary authority in referring the case to the UPSC for seeking advice, without actually disposing off an application filed by the appellant challenging the findings of the disciplinary authority.

4. The UPSC has communicated its advice/recommendation to the disciplinary authority suggesting imposition of major penalty of compulsory retirement of the appellant.

5. Initially, the appellant had approached this Court anticipating that there has been no consideration on the representation made by him on 15.05.2026 and, without that, any final order passed by the disciplinary authority would be seriously prejudicial to him.

6. The learned Single Judge, vide order dated 29.05.2026, considering the submissions made by the learned Central Government Counsel appearing for the respondent Nos.1 and 2 that the representation of the appellant was under consideration, directed the respondents to take into account the representation dated 15.05.2026 filed by the appellant with respect to the proposed punishment to be imposed on him as also with respect to the opinion rendered by the UPSC for imposition of major punishment of compulsory retirement.

The learned Single Judge also directed that the exercise to be completed as expeditiously as possible within a time frame.

7. Shortly thereafter, an interlocutory application was filed by the appellant, vide I.A.(Civil) 1842/2026, seeking a direction to the respondents to the effect that the earlier representation dated 29.08.2025, which had not been disposed off, be first dealt with before passing any final order.

It was explained by the appellant before the learned Single Judge that because of oversight, the representation dated 29.08.2025 was not

brought to the notice of the Court at the time of the first hearing.

Thus, the prayer made on behalf of the appellant in the afore-noted interlocutory application was for a modification of the order dated 29.05.2026, referred to above, by directing the respondents to consider the representation dated 29.08.2025, which has yet not been considered by the authority.

8. To the afore-noted request made by the appellant, it was pointed out by the learned Central Government Counsel that the later representation dated 15.05.2026 contained the reference of the earlier representation dated 29.08.2025 and that since the writ petition had already been disposed off, such a prayer was not maintainable.

9. The learned Single Judge, thereafter, vide order dated 03.06.2026 clarified and partially modified the earlier order by directing the respondents to take into consideration the issues raised in the representation dated 29.08.2025 along with the representation dated 15.05.2026.

10. Though the interlocutory application was disposed off holding that there was no merit in such a prayer, but for all practical purposes, the clarification ought to have satisfied the appellant.

11. No further order in this appeal is required, except a modification in the orders passed by the learned Single Judge that the disciplinary authority would take into account the issues raised in the representations dated 29.08.2025 and 15.05.2026 before passing any final order, regardless of the fact that the UPSC has already suggested imposition of

major penalty of compulsory retirement of the appellant.

The writ appeal stands disposed off accordingly.

JUDGE **CHIEF JUSTICE**

Comparing Assistant