

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.825 of 2015

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Abhisek Kumar son of Bishwanath Ram, Resident of village Kauran Dihri,
P.O. Peur, Sahar, District Bhojpur (Bihar)

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home affairs, Govt. of India, New Delhi.
2. The Director, CRPF, Directorate, Central Reserve Police, C.G.O. Complex, New Delhi.
3. The Inspector General of Police, M.P. Sector, Bhopal (M.P).
4. The Dy. Inspector General of Police, R.T.C, C.R.P.F, Neemuch, (M.P).
5. The Commandant R.T.C., C.R.P.F, Neemuch (M.P).
6. The Dy. Inspector General of Police, Group Centre, C.R.P.F. Muzaffarpur, Bihar.
7. The Commandant, Group Centre, C.R.P.F. Muzaffarpur, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Respondent/s : Mr. Sanjay Kumar(Asg)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-02-2015

Heard learned counsel for the parties, as with regard to

the following relief prayed in this writ application:-

."(i) To quash the order as contained in Letter no. T.V. 3/2014-EC-V(A.K) dated 16.10.2014 (Annexure-3) received from the office of the DIGP, RTC, C.R.P.F. Neemuch (M.P.) and issued on his behalf by which service of the petitioner (No. 145200675 RT/GD Abhisek Kumar of GC MZR) has been terminated without assigning any reason because the said impugned order of termination of service is wholly illegal and cannot be sustained in the eye of law.

(ii) To command and direct the respondent authorities to reinstate the petitioner in service with full back wages under the provision of the Central Civil Services (Temporary Service) Rules 1965 as there is

no deliberate laches and inaction on the part of the petitioner in course of his service."

Having regard to the fact that the impugned order of termination of service of the petitioner was/is capable of being assailed in appeal and the fact learned counsel for the petitioner also submits that the petitioner had actually filed an appeal against the impugned order on the very next day of filing of this writ application, this Court even after taking into account the oral denial of learned counsel for Respondents regarding filing of such appeal by the petitioner, will have no difficulty in holding that in any event this writ application on account of availability of statutory alternative remedy by way of filing an appeal, is misconceived and ill advised and, therefore, this writ application has to be dismissed as not maintainable.

The dismissal of this writ application, however, will not come in the way of the petitioner in pursuing the remedy of appeal and since the petitioner claims that he has filed an appeal only recently on 14th January, 2015, this Court is not inclined to fix any time limit for disposal of the appeal but, then, it goes without saying that if an appeal has been filed by the petitioner, the same should be disposed of expeditiously.

Rishi/-

(Mihir Kumar Jha, J)

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