

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9163 of 2014

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Rajesh Sutrakar son of Gyasi Ram Permanent resident of Village AND
Post : Unao Balaji, P.S. Unao Balaji, Dist : Datia (Madhya Pradesh),
presently posted as Constable/GD bearing No. 120519390, at CISF Unit,
KBUNL Kanti, Muzaffarpur.

.... Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Public Grievances and Pensions, Department of Personal and Training , North Block, New Delhi.
2. The Director General, CISF Head Quarters, No. 13, CGOs Complex, Lodhi Road, New Delhi - 100003.
3. The Group Commandant, CISF Group Head Quarters, Patna.
4. The Deputy Inspector General/EZ, CISF EZ Head Quarters, Patna.
5. The Deputy Commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur.
6. The Assistant Commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand, Adv

For the U.O.I. : Mr. Anjani Kumar Sharan C.G.C.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 17-03-2015 Heard learned counsel for the parties.

Having regard to the fact that this writ application
was filed on 15.05.2014, for the following reliefs:-

“That the petitioner seeks indulgence of this Hon’ble High Court for the following relief-

(A) A writ in the nature of certiorari or any other writ/s , order/s, direction/s for the following relief:-

(i) For quashing the order dated 28.04.2014, contained in Letter No. 1501, passed by Group Commandant, CISF Group Head Quarters, Patna, by which the petitioner has been terminated from the service.

(ii) For quashing the order dated 30.04.2014, contained in Letter No. 995, passed by the Assistant Commandant, CISF Unit KBUNL, Kanti, Muzaffarpur, by which the petitioner has been directed to submit the clearance certificate.

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s commanding the respondents for the following:-

(i) To treat the petitioner in service and allow him to discharge his duty.

(ii) To stay the operation of order dated 28.04.2014, contained in Letter No. 1501, passed by Group Commandant, CISF Group Head Quarters, Patna, as well as order dated 30.04.2014, contained in Letter No. 995, passed by the Assistant Commandant, CISF Unit KBUNL, Kanti, Muzaffarpur, till the disposal of the present writ petition.”

and during the pendency of this writ application, the petitioner having realized that he has statutory alternative remedy by way of appeal has filed an appeal on 10.09.2014, this Court would direct respondent no. 4, Deputy Inspector General/EZ, CISF EZ Head Quarters, Patna to ensure that if such appeal of the petitioner is still pending and has not been disposed of as yet, the same must be disposed of within a period of six months on merits without non suiting the petitioner on the ground of delay keeping in view that this writ application was filed on 15.05.2014, soon after the order of punishment dated 28.04.2014.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

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