

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12984 of 2012

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1. Bibekanand Singh Son Of Late Ahiraj Singh Resident Of Village-
Pahlagardh, P.S.- Kadma, District- Katihar

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Department Of Home, Null
Government Of India, New Delhi
2. The Secretary, Department Of Railways, Government Of India, New
Delhi
3. The Chief General Manager, Indian Railways, New Delhi
4. The General Manager, North East Frontier Railways, Maligaon,
Guwahati, Assam
5. The Deputy General Manager (G)-Cum-P.I.O., N.F. Railways,
Maligaon, Guwahati, Assam
6. The Sub-Deputy General Manager (S.D.G.M.)-Cum-Appellate Authority,
North East Frontier Railways, Maligaon, Guwahati, Assam
7. The Chief Security Commissioner, N.F. Railways, Maligaon, Guwahati,
Assam
8. The Senior Security Commissioner, N.F. Railway, Railway Protection
Force, Katihar
9. The Deputy Director/Security (E), Railway Board, New Delhi
10. The Director General, R.P.F. Indian Railway, Railway Board, New
Delhi
11. The Assistant Security Commissioner, R.P.F., Katihar
12. The Inspector, R.P.F., Diesel Shed, Malda, Assam
13. The Inspector, R.P.F., Katihar (W), N.F. Railway, Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Respondent no.1 : Mr. Anjani Kumar Sharma, CGC
For Res. Nos.2 to 13 : Mr. Anil Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 21-01-2015 Heard learned counsel for the petitioner and the

Respondents.

In this case, petitioner is challenging the order dated
30th September 2011 passed by the D.G., RPF, Railway Board,
New Delhi vide Memo No. 2008/Sec.(E)/PAR-3/8, whereby and

whereunder the mercy appeal filed by the petitioner against his removal has illegally been rejected.

It appears that the petitioner was granted leave, he had overstayed for which a departmental proceeding was initiated and he was visited with order of removal from service. The appellate authority as well as the revisional authority also affirmed the said order.

Thereafter a mercy appeal was filed by the petitioner which remained pending for quite long time and ultimately on order having been passed by this Court, in CWJC No. 8514 of 2011 giving direction to the authority to dispose of the mercy appeal, accordingly, mercy appeal was disposed of by the order impugned.

Counsel for the petitioner submits that the order passed by the Director General, RPF does not show that he has applied his judicial mind rather passed the order in a mechanical manner.

Authorities are expected to pass a reasoned/speaking order so that the higher authority may know on what reasons the authority passed such order. The Hon'ble Supreme Court in the case reported in Chairman & Managing Director United Commercial Bank v. P.C. Kakkar, (2003)4 SCC 364 has said that

the authority has to pass giving reason for arriving at such conclusion.

As the order dated 30th September 2011 (Annexure-12) does not provide any reason, it is quashed and the matter is remanded back to the Director General, RPF, Railway Board, New Delhi to pass order afresh in accordance with law preferably within a period of three months from the date of receipt/production of copy of this order.

With this observation/direction, this petition is disposed of.

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(Shivaji Pandey, J)