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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2659 of 2015**

- Kavindra Rai S/o Late Shri Ramdihal Rai Aged About 36 years Ex-Constable No. 162 Balrampur, R/o Ward No. 27, Mayapur, P.S. City Kotwali, Ambikapur, District Surguja, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mahanadi Bhawan, New Mantralaya, Raipur, (Chhattisgarh)
2. The Director General Of Police Police Head Quarter, New Raipur, District Raipur, (Chhattisgarh)
3. The Inspector General Of Police, Surguja Division, Ambikapur, District Surguja, (Chhattisgarh)
4. The Superintendent Of Police, Balrampur, District Balrampur- Ramanujganj, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Avinash K. Mishra, Advocate
For Respondents/State	:	Shri YS Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****28/07/2015**

1. Learned counsel for the petitioner would submit that by order dated 31-8-2009, passed by the Superintendent of Police, Balrampur, the petitioner was imposed with punishment of stoppage of one increment with cumulative effect, however, the Inspector General of Police, Surguja Range, *suo motu* revised the said order and punishment of dismissal from service was imposed on the petitioner. He would submit that on the same set of allegation a criminal case was also instituted, wherein the petitioner has

been acquitted on 6-5-2014, therefore, the very basis of the order is wiped out. He would further submit that after dismissal of his departmental appeal a review petition/mercy petition has been preferred, however, the same has not yet been decided.

2. Learned counsel would further submit that in view of the para 241 of the C.G. Police Regulations, the petitioner has preferred a mercy petition before the competent authority as provided in para 270 (2) of the C.G. Police Regulations and the same is pending consideration.
3. In view of the pendency of petitioner's mercy petition before the competent authority, this Court is not inclined to entertain this writ petition.
4. Accordingly, the writ petition is disposed of with a direction to respondent No.2 to consider and decide petitioner's mercy petition by a speaking order, in accordance with law, at the earliest, preferably within a period of six months from the date of presentation of certified copy of this order.

Sd/-

Judge

Prashant Kumar Mishra

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