

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 3666 of 2015**

- Y. N. Sharma S/o L. N. Sharma, Aged About 50 Years, Sub Inspector, Reserve Line, Bilaspur, District Bilaspur (Chhattisgarh),

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through : The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Inspector General Of Police, Bilaspur Range, Bilaspur, District Bilaspur (Chhattisgarh)
3. Inspector General Of Police (Security), Police Head Quarter, New Raipur/Inspector General Of Police, Raipur Range, Raipur (Chhattisgarh),
4. J. S. Chourasiya, Deputy Commandant, First Unit, Chhattisgarh Armed Force, Bhilai, District Durg (Chhattisgarh),
5. Vijay Shankar Pandey, Assistant Commandant, 2nd Unit, Chhattisgarh Armed Force, Sakari, District Bilaspur (Chhattisgarh)

**---- Respondents**

**And**

**WPS No. 3711 Of 2015**

- Kamlesh Thakur S/o Late M. S. Thakur, Aged About 41 Years Posted As Inspector, Reserve Lines Bilaspur, District Bilaspur (Chhattisgarh),

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through: The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Inspector General Of Police, Bilaspur Range, Bilaspur, District Bilaspur (Chhattisgarh)
3. Inspector General Of Police ( Security), Police Head Quarter, New Raipur/ Inspector General Of Police, Raipur Range, Raipur (Chhattisgarh)
4. J. S. Chourasiya, Deputy Commandant, First Unit, Chhattisgarh Armed

Force, Bhilai, District Durg (Chhattisgarh),

5. Vijay Shankar Pandey, Assistant Commandant, 2nd Unit, Chhattisgarh Armed Force, Sakari, District Bilaspur (Chhattisgarh)

---- Respondents

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| For Petitioners      | Shri C.K. Kesharwani, Advocate with Shri Anukul Biswas, Advocate |
| For Respondent/State | Shri Shashank Thakur, GA                                         |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board By**

**14/10/2015**

1. The petitioner, Y.N. Sharma is working as Sub Inspector, whereas the petitioner, Kamlesh Thakur is an Inspector in the Police Department. They were part of contingent No.2, which was deputed for security arrangements during the Ganesh Festival at Hyderabad (Telangana). Shri Kamlesh Thakur was made the Group In-charge. After attending the duties at Hyderabad, they were supposed to board train at 22:00 Hours on 29.09.2015 at Hyderabad Railway Station, however, both of them came to Raipur by Air Service without informing the West Zone In-charge, Assistant Commandant Shri Vijay Shankar Pandey. For this act of insubordination, they have been suspended by the Inspector General of Police (Security), P.H.Q., Raipur.
2. Shri Kesharwani, learned counsel for the petitioners would submit that the impugned order having been passed in exercise of powers under the Chhattisgarh Police Regulations, the same is not appealable. He would further submit that at Hyderabad, the Assistant Commandant Shri Vijay Shankar Pandey was staying in the adjoining room and he

was duly informed by the petitioners about the journey by Air to be performed by the petitioners. He would also submit that the Inspector General of Police (Security), P.H.Q., Raipur, who has passed the order, has no authority or jurisdiction, because the petitioners are working under the Inspector General of Police at Bilaspur.

3. Per contra, Shri Thakur, learned State counsel would submit that the petitioners have committed act of insubordination, which amounts to indiscipline, therefore, it is not a case worth interference. He would also submit that the petitioners have the alternative remedy of preferring a petition/representation under Clause 274 of the Police Regulations.
4. Having considered the entire facts situation of the case, particularly for the fact that there is no statutory appellate remedy available to the petitioners, but the remedy is only of preferring a representation, the writ petition is disposed of with a direction that in the event, the petitioners prefer representation before the Director General of Police, Chhattisgarh, within a period of 10 days from today, the said officer shall consider and decide the petitioners representation, at the earliest, preferably within a period of 3 weeks from the date of submission of representation.
5. For a period of 4 weeks from today, the impugned order shall remain in abeyance.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA