

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6565 of 2017

- Rameshchand Thakur @ Ramesh Singh Thakur @ Rinku Thakur S/o Late Shri Vijay Singh Aged About 32 Years R/o Bhairamgarh , Police Station Bhairamgarh District Bijapur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Home And Police Mantralya Mahanadi Bhawan Raipur Chhattisgarh.
2. The Director General Of Police, (Chhattisgarh Armed Force) , Police Headquarter Raipur, District Raipur Chhattisgarh.
3. The Additional Director General Of Police (Chhattisgarh Armed Force), Police Headquarter Raipur District Raipur Chhattisgarh.
4. The Inspector General Of Police, (Chhattisgarh Armed Force - I) Police Headquarter Raipur District Raipur Chhattisgarh.
5. The Commandant 9th Battalion Chhattisgarh Armed Force, Dantewada Chhattisgarh.

---- Respondent

For Petitioner
For Respondents

Shri Amit Kumar Sharma, Advocate.
Ms K. Tripti Rao, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/11/2017

1. Heard.

2. On some charges of misconduct, petitioner was removed from service by order passed by Commandant, 9th Battaliaon, CAF, Dantewada,
3. According to learned counsel for the petitioner, the facts on the basis of which the charges were levelled in the departmental proceedings were the same which was subject matter of trial in the Court of 1st ASJ (FTC) South Bastar, Dantewada (C.G.), wherein the petitioner has been acquitted vide judgment dated 29.06.2016. Petitioner thereafter prefers a representation for his reinstatement, however, the same has not yet been disposed of.
4. Learned State Counsel would submit that the order of removal from service is appealable, therefore, the petitioner should avail the alternative remedy.
5. Considering the entire facts situation of to the case, the writ petition is disposed of with a direction that, if the petitioner prefers an appeal challenging the order of removal passed by the Commandant 9th Battalion within a period of 30 days from today, the appellate authority shall consider and decide the appeal on its own merits without raising the bar of limitation, as early as possible preferably within a period of 6 months from the date of submission of appeal.
6. The writ petition is accordingly disposed of.
7. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh