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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 810/2017**

DINESH KUMAR SHARMA

..... Petitioner

Represented by: Mr.Amit Dubey, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Represented by: Mr.J.K.Singh, Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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30.01.2017

CM No.3733/2017

Allowed subject to just exceptions.

W.P.(C) 810/2017

1. A short question arises for consideration in this writ petition.
2. The Commandant of the 4th Battalion, RPSF has levied the penalty of stoppage of next increment for six months without cumulative effect upon the writ petitioner.
3. Taking note of the fact that the writ petitioner has a remedy to file an

appeal against the order passed by him as per RPF Rules, 1987, the Commandant has directed that if the writ petitioner desires to file an appeal he should do so before the Commandant of the 4th Battalion.

4. It is settled law that the authority passing a disciplinary order cannot act as an appellant authority. The appellant authority as per the rules is DIG of the concerned zone.

5. We dispose of the writ petition quashing the direction issued in the impugned order dated January 03, 2017 directing that if writ petitioner desires to file an appeal against the impugned order it should be filed before the Commandant of the 4th Battalion, RPSF. The writ petitioner would be entitled to file the appeal before the DIG of the concerned zone.

6. Challenge on merits is not entertained in view of the appellate remedy available to the petitioner.

7. No cost.

CM No.3732/2017

Disposed of as infructuous.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

JANUARY 30, 2017

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