

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10997 of 2009

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Shankar Prasad Singh, son of Shri Ram Dular Singh, Daudnagar, P.S. Jehanabad,
District Jehanabad.

.... Petitioner/s

Versus

1. The Union of India through Inspector General, Central Industrial Security Force, Patna.
2. Inspector General, Central Industrial Security Force, Patna.
3. Deputy Inspector General (Appellate Authority), Central Industrial Security Force Unit, H.E.C., Ranchi.
4. Commandant, Central Industrial Security Force, H.E.D., Ranchi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Adv.

Mr. Dharmendra Kumar, Adv.

For the UOI : Mr. Kumar Priya Ranjan, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-01-2018

Heard learned counsel for the petitioner and counsel for
the Union of India.

The petitioner was a Constable, working in the C.I.S.F.,
was posted at Ranchi. He was found sleeping on 27.4.2003 and was
also found absent from the place where he was deputed. Altogether
eight charges were framed against the petitioner, was served with a
copy of the charge-sheet, an explanation was sought from him and,
after that, the petitioner was terminated from service vide letter no.
328 dated 5.5.2004.

The petitioner filed an appeal before the appellate
authority which was rejected vide order dated 10-15.11.2004,



whereafter, the petitioner preferred revision/memorial on 9.12.2004 but, vide order dated 16-17.2.2005, it was informed that he has already exhausted the remedy, further second appeal and revision would not lie. The appellate order was challenged before this Court in C.W.J.C. No. 3879 of 2005 (Annexure-14) only on the limited ground of having not granted an opportunity of personal hearing. The matter was remanded back for fresh order, whereafter, after giving hearing, the appellate authority vide order dated 22.5.2007 dismissed the appeal. Against that, he has again filed revision but, the Commandant vide letter dated 19.10.2007 has informed that the question of revision does not arise as he has already exhausted the remedy earlier.

The Commandant is completely misplaced and misconceived, when this Court has remanded the matter back for personal hearing and passing a fresh order, in such a situation, the fresh order gives a new cause of action and that gives the delinquent a right to file revision application before the appropriate authority. When the revision application has been filed, it cannot be said that he has already exhausted the remedy, further revision would not lie.

In that view of the matter, the order of the Commandant dated 19.1.2007 (Annexure-16) is quashed and the matter is remanded back to the revisional authority to consider the case of the petitioner on merit. Already revision application has been filed by the petitioner, the



Revisional Authority will call for the record from the concerned disciplinary authority, will examine the case of the petitioner and pass a reasoned order in accordance with law.

In the result, this writ application is allowed to the extent indicated above.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
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