

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25826 OF 2009

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent terminating the service of the petitioner vide proceedings dated 24.5.2006 without any jurisdiction under Sub-rule(1) of Rule-5 of Central Civil Services (Temporary Service) Rules, 1965 instead of terminating the service under Rule 16 of CRPF Rules, 1955, while juniors were retained as arbitrary, unjust and illegal and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem, fit and proper in the circumstances of the case.”

Heard learned counsel on either side.

It is the case of the petitioner that while he was discharging his duties in Central Reserve Police Force, he was terminated from service *vide* order dated 24.05.2006, on the allegation that he has suppressed the fact of his involvement in a criminal case. Aggrieved by the same, he has preferred an appeal before the 3rd respondent and the same was rejected. Challenging the same, he has filed revision petition before the 2nd respondent and the revisional authority has also rejected

the same *vide* order dated 17.09.2009. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submitted that in the latest judgment of the Hon'ble Supreme Court in Civil Appeal No(s).18798/2017 (arising from SLP (C) No.20525/2011) dated 15.11.2017 in *Avtar Singh v. Union of India and others*, certain guidelines were framed as to under what circumstances the cases of the employees can be considered even if they have suppressed requisite information in regard to criminal prosecution, arrest or pendency of any criminal cases against them. Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for reinstatement into service by duly taking into account the guidelines framed in Avtar Singh's case referred supra.

Learned Standing Counsel for Central Government appearing for the respondents had contended that the case of the petitioner would be considered in terms of the guidelines framed by the Hon'ble Supreme Court in Avtar Singh's case referred supra and let the petitioner submit a representation afresh to the respondents and, on receipt of such

representation, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents staking his claim for reinstatement into service in terms of the judgment of the Hon'ble Supreme Court in Avtar Singh's case referred supra, within a period of two weeks from the date of receipt of a copy of this order, and upon such a representation being received, the respondents shall consider the same and pass appropriate orders in another eight weeks thereafter.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 17.9.2019
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