

23.  
20.11.2020  
S.D.

**W.P.A. 7961 of 2020**

**Shri Mangal Chand Adak**  
**Vs.**  
**Union of India & Ors.**

Ms. Punam Basu  
Ms. Sonam Basu  
... for the Petitioner.

Mr. Debapriaya Gupta  
Mr. Debu Chowdhury  
....for the respondent.

An order in appeal passed in a disciplinary proceeding governed by the provisions of the Central Industrial Security Forces Act, 1968 is under challenge in the present writ petition.

Learned Advocate appearing on behalf of the respondent submits that, the order under appeal is revisable under sub Section (2-A) of Section 9 of the Central Industrial Security Forces Act, 1968. Since the petitioner did not exhaust the statutory remedies, the writ petition should not be entertained.

In the facts of the present case, it appears that, the petitioner was dealt with in a disciplinary proceeding under Rule 36 of the Central Industrial Security Forces Rules, 2001. A charge sheet dated July 19, 2019 was issued. Such charge sheet ultimately culminated into an order passed by the disciplinary authorities dated January 31, 2020. An appeal was preferred by the

petitioner. Such appeal was dismissed by the order dated August 24, 2020.

Section 9(2-A) of the Act 1968 is as follows:-

“(2-A) Any enrolled member of the Force aggrieved by an order passed in appeal under sub-section (1) may, within a period of six months from the date on which the order is communicated to him, prefer a revision petition against the order to such authority as may be prescribed and in disposing of the revision petition, the said authority shall follow such procedure as may be prescribed.”

Sub-Section (2-A) of Section 9 of the Act of 1968 allows a revision to be filed against an order passed in appeal. The petitioner admittedly did not avail of such statutory alternative remedy.

In the facts of present case, in view of the availability of statutory alternative remedy, I am not minded to interfere at this stage.

W.P.A. 7961 of 2020 is disposed of.

No order as to costs.

(Debangsu Basak, J.)