

**17.08.2021**  
**Sl. No.34**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE  
(Via Video Conference)

**WPA 10280 of 2021**

**Sumanta Rana**  
**Vs.**  
**Union of India & Ors.**

Mr. Shambhunath Ray,  
Mr. Somesh Kumar Ghosh,  
Ms. Tirthaa Dey,  
Mrs. Amrita Tewari

....for the petitioner.

Mr. Debapriya Gupta,  
Mr. Sourav Mondal

....for the respondents.

Affidavit of service filed in Court today is taken on record.

The petitioner was removed from service by an order dated 15<sup>th</sup> October, 2020 passed by the Disciplinary Authority. The petitioner preferred an appeal challenging the said order. By an order dated 16<sup>th</sup> January, 2021, the petitioner's appeal was dismissed. The petitioner preferred a revisional application, which has been rejected by the Authority concerned by an order dated 26<sup>th</sup> March, 2021 holding that the revision petition is not in proper form. The petitioner was, however, given liberty to prefer a revision petition in proper form before the Revisional Authority with necessary contents. The petitioner has thereafter been served with a memo dated 9<sup>th</sup> April, 2021, by which the petitioner has

been asked to vacate the family accommodation within 15 days from the date of receipt of the said letter, failing which legal action will be initiated against the petitioner. The petitioner challenges this memo, the order of the Appellate Authority, the enquiry proceedings and the order in revision, inter alia, on several grounds, but the fact remains that the petitioner has been removed service, which has been confirmed upto the appellate stage.

Till such time the appellate order is in subsistence, the order of removal from service as against the petitioner continues. The petitioner on being removed from service cannot continue to occupy the family accommodation given to the petitioner while he was in employment. No acceptable ground has been shown as to why this Court will entertain the petitioner's prayer to interfere with the memo dated 9<sup>th</sup> April, 2021 directing the petitioner to vacate the family accommodation.

The writ petition has no merits so far as challenge to the memo dated 9<sup>th</sup> April, 2021 is concerned. The prayer so far as it relates to the challenge to the memo dated 9<sup>th</sup> April, 2021 is rejected.

With regard to the challenge to the Appellate order and the enquiry proceedings are concerned, the same are not entertained at this stage as the

petitioner is desirous in pursuing the remedy in revision. A revision petition under the Central Industrial Security Force Act, 1968 has to be filed within six months' time period to prefer a revision against an appellate order in terms of Section 9 (AA) thereof.

In the instant case, the appellate order dated 16<sup>th</sup> January, 2021 was forwarded to the petitioner by a memo dated 25<sup>th</sup> January, 2021. The petitioner preferred the revision petition on 19<sup>th</sup> February, 2021, which was received by the department on 1<sup>st</sup> March, 2021. The revision petition, therefor, was filed within the period of limitation, which has been dismissed on technical ground by affording the petitioner an opportunity to prefer such revisional application a fresh in proper form with necessary contents before the appropriate authority.

Considering the nature of the order dated 26<sup>th</sup> March, 2021 by which the revision petition was rejected being not in form and that the initial filing was also within the time prescribed and also in view of the pandemic, I allow the petitioner to file a revision petition against the appellate order dated 16<sup>th</sup> January, 2021 before the appropriate authority named in the order dated 26<sup>th</sup> March, 2021 by 27<sup>th</sup> August, 2021. In the event the petitioner files such revision petition within the time frame provided, the

appropriate authority shall decide the said revision petition on merits treating it to have been filed in time.

The revision petition is to be disposed of within a period of six weeks from the date of filing by a reasoned order after affording the petitioner reasonable opportunity of hearing following the prevailing Covid - 19 protocol.

Nothing further remains to be adjudicated in this writ petition. The writ petition is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

**(Arindam Mukherjee, J.)**