19.01.2021
Sl. No.27
akd

W.P.A. 10723 of 2020

[Nekbar Hossain -Vs- The Union of India & Ors.]

Sk. Mujibar Rahaman
… … for the petitioner

Mrs. Chandreyi Alam
Ms. Runu Mukherjee
… … for the UOI

The petitioner prays for quashing and cancellation of the proceedings initiated under Section 11(1) of the Central Reserve Police Force Act, 1949 read with Rule 27 of the CRPF Rules, 1955 pursuant to order dated 23.03.2020.

The enquiry had initially commenced in the year 2018 pursuant to the order dated 10.05.2018 passed by a coordinate Bench of this court in W.P. 5649(W) of 2018. A preliminary enquiry was conducted and since the petitioner is now posted at Ranchi, charge-sheet has been issued by the order dated 23.03.2020 (supra).

The petitioner submits that the enquiry is illegal, inter alia, for the delay in completion of the same. This court finds that the preliminary enquiry did take a substantial period of time but the same could not have prejudiced the petitioner until issuance of the formal charge-sheet.

Since the enquiry has commenced in March, 2020, the respondent authorities are directed to complete and conclude the same within a period of four months from the date of communication of a copy of this order.

The enquiry shall be conducted strictly in accordance with the Central Reserve Police Force Act, 1949 and the CRPF Rules of 1955.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)