

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1702 of 2021

Rahul Kumar Son of Shri Ramdahin Thakur Resident of Village- Sunderpur,
Post Office- Pirpainti, Police Station- Pirpainti and District- Bhagalpur

... .. Petitioner/s

Versus

1. The Union of India Delhi
2. The Union of India through Director General, Central Reserve Police Force (CRPF), Block No. 1, C.G.O. Complex, Lodi Road, New Delhi, Delhi - 110003
3. The Commandant 181st Battalion C.R.P.F. Pakharpur Badgaon, Jammu and Kashmir Pin Code - 191112
4. The Asst. Commandant, 181st Battalion C.R.P.F. Pakharpur Badgaon, Jammu and Kashmir Pin Code - 191112

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Avinash Chandra, Advocate Mr. Apurva Kumar, Advocate
For the UOI	:	Mr. Dr. K.N.Singh (ASG) Mr. A. K. Pandey, SCGC MR. R.K. Sharma, CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 10-03-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following relief(s):-

“(i) For making the petitioner aware about the action taken by them after issuance of letter contained in memo no. P- Eight 02/2019 dated 13.03.2019 (Annexure-4) which was duly signed by Mr. D.S Grewal, Commandant 181st Battalion.

(ii) For setting aside the departmental proceeding against the petitioner which was initiated by the respondent authorities by which the pe-



petitioner has vehemently participated and accepted all his guilt as he was under threat and coercion of the respondent authorities as ultimately the petitioner was not given the proper chance to cross-examine the witnesses of the respondent which is a sheer violation of principle of natural justice.

(iii) For directing the respondent authorities to hold a fresh and bias free enquiry against the petitioner after due notice to the petitioner.

(iv) Further for issuance of direction to respondent authorities to reinstate the petitioner on the post of Constable/GD in CRPF

(v) For directing the respondent authorities to clear the all V. type of due payments like backlog of NPS, provident fund gratuity and payment of salary since 2011 if any of them is not cleared since then.

(vi) For any further relief/reliefs, direction/directions, or order/orders which found admissible during the course of arguments.”

The Official respondents stated to have initiated certain disciplinary proceedings. During the pendency of disciplinary proceedings petitioner was asked to appear and assist in the manner known to law with reference to the letter dated 13.03.2019 which is the subject matter of the present litigation.

Prima facie, the prayer of the petitioner is in the midst of inquiry and it cannot be entertained in the light of Hon'ble Apex



Court decision in the case of **Union of India and Another vs. Kunisetty Satyanarayana** reported in **(2006) 12 SCC 28** and **Secretary, Ministry of Defence & Others vs. Prabhash Chandra Mirdha** reported in **(2012) 11 SCC 565**. Thus, the petitioner is at liberty to approach the disciplinary authority if petitioner intention is to comply the process of inquiry which has been launched against him.

With the aforesaid observations, the present writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

