

281. 03.08.2022
BD Ct.15

W.P.A. 21870 of 2019

Sri Pramod Kumar Marandi

-vs-

Union of India & Ors.

Mr. Achin Kumar Majumder

... for the petitioner.

Mr. Soumah Bera

... for the Union of India.

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and the South Eastern Railway being the principal respondents. At the outset it has been jointly submitted by the learned advocates representing the parties to this writ petition that the issue involved in the present writ petition is covered by the order passed by this Court on 31st March, 2022 on a writ petition being WPA 21869 of 2019 (Shri Amit Kumar -vs- Union of India & Ors.).

Mr. Achin Kumar Majumder, learned advocate, representing the writ petitioner has submitted that the first part of the said order dated 31st March, 2022 dealt with the application of Rule 248.1 of the Railway Protection Force Rules, 1987 and the issue of jurisdiction was taken by the petitioner in WPA 21869 of 2019; such issue is not relevant in the present writ petition since petitioner was holding the post of Head Constable at the material point of time.

However, on behalf of the parties prayer

has been made to give identical direction as it was given in WPA 21869 of 2019 for taking decision on permissibility of initiating proceeding under the Railway Protection Force Rules, 1987 during the pendency of the criminal proceedings. Since no representation has been made in this regard by the petitioner leave is granted to the petitioner to make a comprehensive representation within a period of ten days from this date to the Divisional Security Commissioner, being the respondent no. 3. On receipt of such representation respondent no. 3 will take decision in the same manner as he is required to decide in terms of the order dated 31st March, 2022 passed on WPA 21869 of 2019.

The order dated 31st March, 2022 passed on WPA 21869 of 2019 is taken on record.

The present writ petition stands disposed of following the order dated 31st March, 2022 passed in WPA 21869 of 2019.

However, there shall be no order as to costs.

Affidavit-in-reply filed on behalf of the petitioner today is taken on record.

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

(Saugata Bhattacharyya, J.)

