

WPA 31420 of 2013

**Bidyut Gain
Vs.
Union of India & Ors.**

Ms. Pampa Dey (Dhabal)
...for the petitioner

Mr. Kumar Jyoti Tewari
...for the UOI

The writ petition is taken up for hearing in presence of the learned advocates representing the writ petitioner and Central Reserve Police Force (for short “CRPF”) being the principal respondent.

In the writ petition the order of the appellate authority dated 4th April, 2012 is under challenge. Vide order dated 4th April, 2012 of the appellate authority the order of the disciplinary authority on conclusion of the disciplinary proceeding initiated against the petitioner was affirmed. Previously the writ petition being WPA 6459 of 2010 was filed by the petitioner challenging the order of the disciplinary authority whereby petitioner was dismissed from service. Vide order dated 29th September, 2011 a coordinate Bench dismissed the writ petition as withdrawn since there was provision to prefer appeal under the Central Reserve Police Force Rules, 1955. Pursuant to the leave granted by the coordinate Bench

vide order dated 29th September, 2011 petitioner preferred departmental appeal and the same was disposed of vide order dated 4th April, 2012.

Ms. Pampa Dey (Dhabal), learned advocate representing the petitioner has submitted that the petitioner does not want to proceed with the writ petition rather he wants to prefer revisional application before the revising authority under Rule, 29 of the Central Reserve Police Force Rules, 1955 questioning the order of the appellate authority and accordingly she has prayed for leave to prefer revisional application under the said Rule, 29.

Mr. Kumar Jyoti Tewari, learned advocate appears on behalf of the CRPF and has submitted that if petitioner prefers revisional application the authority has no objection.

In view of the submission made on behalf of the respective parties the writ petition is dismissed as withdrawn upon granting leave to the petitioner to prefer revisional application under Rule 29 of the Central Reserve Police Force Rules, 1955 before the revising authority. If such revisional application is filed within fortnight from this date before the appropriate authority same shall be considered and disposed of in accordance with law as expeditiously as possible.

While deciding the revisional application the revising authority shall also consider the question of delay sympathetically since petitioner filed writ petition challenging the order of the appellate authority in 2013 which shall be taken into consideration while deciding the issue of limitation relating to preferring the revisional application.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)