

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18896 of 2015

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Santosh Kumar Prasad Son of Shri Hiralal Prasad, resident of Village- Simri
Dudhi Patti, P.S. Simri, District- Buxar.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Department of Home,
Government of India, New Delhi.
2. The Commandant, 22 Batalian, Central Reserve Police Force, Bazar Samiti
Parisar, Hazaribagh, Jharkhand
3. The D.I.G., Central Reserve Police Force, Mokama Ghat, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prem Sheela Pandey, Adv.

For the UOI : Mr. Punam Kumari Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 27-09-2023

The present writ petition has been filed seeking the
following relief:-

“1. That this writ application is being filed for
issuance of an appropriate writ preferably in the
nature of mandamus commanding and directing
the Respondent concerned to not issue order of
dismissal or pass any order against the petitioner
on the allegation that the petitioner quit the
company without taking permission of



commanding officer or higher officer.”

2. Though the impugned order of punishment of dismissal from service has neither been challenged nor annexed by the petitioner, however, the said order dated 30.11.2013, passed by the Commandant-22, Battalion, Central Reserve Police Force, Hazaribagh, Jharkhand, has been annexed by the Respondents in the counter affidavit, filed in the present case, as Annexure-A. Nonetheless, the fact remains that the aforesaid order dated 30.11.2013 has not been challenged by the petitioner in the present proceedings, inasmuch as he is stated to be not in possession of the same, however, the learned counsel for the Respondents submits that the petitioner can avail the alternative remedy by way of filing an appeal against the aforesaid order of punishment dated 30.11.2013, before approaching this Hon’ble Court.

3. In view of the aforesaid, this Court deems it fit and proper to grant liberty to the petitioner to file appropriate appeal, challenging the aforesaid order of punishment of dismissal from service dated 30.11.2013 and in case such an Appeal is filed within a period of eight weeks from today, the same shall be considered on merits by the appellate authority and a reasoned and a speaking order shall be passed thereon, in accordance with law, forthwith.



4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	3.10.2023
Transmission Date	NA

