

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1753 of 2018

In
Civil Writ Jurisdiction Case No.11296 of 1999

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1. The Union Of India and Ors
 2. The Director General, Central Reserve Police Force, C.G.O. Complex, New Delhi.
 3. The Inspector General of Police, W/S Central Reserve Police Force, C.G.O. Complex Belapur, Mumbai.
 4. The Deputy Inspector General of Police, CRPF, Nagpur Maharashtra.
 5. The Commandant, 79, Battalion, C.R.P.F. Amin Gaon, North Guwahati, Assam.

... .. Appellant/s

Versus

Salahuddin Khan Son of Shree Jamaluddin Khan, Resident of Mohalla - Agrwal Toli, Village- Chainpur P.S. -Chainpur, District- Kaimur Bhabhua.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravinder Kumar Sharma, CGC Mr.Awadesh Kumar Pandey, CGC
For the Respondent/s	:	Mr.Kumar Praveen, Advocate Mr.Barun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-03-2023

On 23.02.2023 the following order was passed:-

“Learned counsel for the petitioner satisfied this Court by filing supplementary affidavit to the extent of appointment of enquiring officer by the Commandant. However, perusal of the C.R.P.F. Rules there is no material to show that presenting officer is required to be appointed.

Learned counsel for the petitioner is hereby directed to secure complete enquiry records so as to ascertain whether the enquiring officer has maintained day to day order-sheet so as to draw inference that respondent has been provided



opportunity of appearing before the enquiring authority or not?

In the meantime, learned counsels for respective parties are hereby directed to apprise any judicial pronouncement in respect of appointment of presenting officer in the C.R.P.F. Organization to the extent whether it could be waiver in so far as appointment of presenting officer. If no presenting officer is appointed in that event who would represent the department before the enquiring authority to present departmental version/ departmental case before the enquiring authority. On this issue also learned counsels for respective parties are hereby directed to apprise. Learned counsel for petitioner is hereby directed to peruse order passed in LPA No. 1755 of 2018 dated 23.02.2023, in which identical issue was decided.

Re-list this matter on 23.03.2023.”

2. In identical matter in LPA No. 982 of 2018 we have taken a decision that presenting officer in a departmental inquiry is mandatory. Even though rules/regulations do not permit still appointment of presenting officer to present the departmental version before the inquiring authority is warranted. Such a view has been taken note of with reference to Apex Court decision in the case of ***Union of India vs. Ram Lakhan Sharma*** reported in **(2018) 7 SCC 670**.

3. Similar, view has been expressed by this Court in LPA No. 982 of 2018. Accordingly, the present Letters Patent Appeal No. 1753 of 2018 stands rejected while affirming the order of the learned Single Judge, however, reserving liberty to the concerned authority to proceed inquiry from the defective stage namely from



the stage of appointment of inquiring officer and presenting officer
complete the inquiry proceedings within a period of four months
from the date of receipt of this order.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
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