

13
31.08.2023
D.Hira
Court No. 12

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

FMA 350 of 2019

**Ashik Mirza
Versus
Union of India & Ors.**

**Mr. R.K. Jaiswal,
Ms. Manjula Paul.
... for the appellant**

**Mr. Anirban Mitra,
Ms. Sayani Roy Chowdhury.
... for the Union of India**

The present appeal is filed challenging the order dated 22nd June, 2017 dismissing the writ petition filed by the appellant. The appellant filed the said writ petition challenging the order of removal from service by the Disciplinary Authority dated 24.12.2008. The order of the Appellate Authority order dated 02.01.2010 and the order of the Revisional Authority dated 03.07.2010 confirming the order of the Disciplinary Authority.

When the appeal is taken up for hearing, learned counsel appearing for the respondent on instructions submitted that the appellant was acquitted in criminal case. In view of the same, the respondent will reconsider the decision, after taking into consideration the judgment of the Criminal Court, in accordance with law. That the respondent will not have any objection to remand the matter to the Revisional Authority for fresh consideration,

taking into consideration the judgment of the Criminal Court which was delivered subsequent to the order passed by the Revisional Authority.

Learned counsel for the appellant has no objection for the same.

In view of the same, the order of the learned Single Judge is set aside and the matter is remanded back to the Revisional Authority/respondent no. 4 for fresh consideration taking into consideration the judgment of the Criminal Court dated 30th January, 2017 in G.R. Case No. 118 of 2008 passed by the Sub-Divisional Judicial Magistrate (S) at Dibrugarh.

We made it clear that we have not decided the issue on merits. The Revisional Authority is directed to dispose the writ petition within two months from the date of receipt of the copy of this order.

With the above directions, the appeal is disposed of.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)