

WPA 24021 of 2023

Ram Babu
vs.
The Union of India & Ors.

Mr. Ziaul Islam

.....for the petitioner

Mr. Sunil Kumar Singhania

Ms. Oishani Mukherjee

Ms. Twinkle Kaur

.....for the respondent Nos. 1-8

The petitioner was appointed to the post of Constable (GD) with the Central Reserved Police Force (CRPF) on August 15, 1998. A disciplinary proceeding was initiated against the petitioner. By an order dated December 23, 2012, the petitioner was '*compulsorily retired*' from service. The said order passed by the Disciplinary Authority was challenged. The Appellate Authority affirmed the order passed by the Disciplinary Authority. The Revisional Authority also affirmed the order passed by the Appellate Authority. Thereafter, a petition was filed on July 30, 2023 before the Special DG, Central Zone, CRPF, Kolkata. Under Rule 30 of the CRPF Rules, 1955, the Special DG set aside the order of penalty dated December 23, 2012 and awarded a punishment of "*Stoppage of increment for a period of three years*"

with cumulative effect from the date of issue of this order.”

Pursuant to the order passed by the Special DG on June 23, 2014, the petitioner reinstated into the service with effect from June 13, 2013.

The increment of the petitioner was withheld for a period of 3 years from May 23, 2014 till May 22, 2017. Thereafter, after the currency period of 5 years due to the imposition of major penalty, the petitioner was promoted to the rank of ASI vide order dated April 6, 2023 with effect from March 10, 2023.

The petitioner is aggrieved by the fact that his order of promotion dated July 26, 2012 with effect from May 22, 2012 was not given effect to.

Mr. Islam, learned counsel appearing on behalf of the petitioner submits that the punishment of ‘*compulsorily retirement*’ was passed on December 23, 2012, much after the promotional list was published. Therefore, there was no reason for not granting him the promotion with effect from July 26, 2012.

Mr. Singhanian, learned counsel appears on behalf of the Union of India.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be subserved by directing the DG, CRPF/the respondent No. 2 or any

other authority delegated by him to consider the representation of the petitioner dated September 14, 2023 in accordance with law. The same will be disposed of by way of a reasoned order within 8 weeks from date. The reasoned order will be communicated to the petitioner within 2 weeks of passing thereof.

With the directions aforesaid, **WPA 24021 of 2023** is **disposed of**.

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)