

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6177 of 2023

Santosh Kumar Sahoo

.... Petitioner

Mr. D.K. Panda, Advocate

-versus-

Principal-Cum-Security

.... Opposite Parties

Commissioner, Railway Protection

Force, East Coast Railway,

Bhubaneswar and others

Mr. P.K. Parhi, DSGI along with

Mr. B.S. Rayaguri, CGC.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.03.2023

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard Mr. S. Patra-1, learned counsel for the Petitioner as well as Mr. R.N. Mishra, learned counsel for the State. Perused the writ petition as well as documents annexed thereto.
 3. The present writ petition has been filed by the Petitioner with the following prayers:-

“Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon’ble Court may graciously be pleased to direct the opp.party No.1 to dispose of the revision petition pending before him vide Annexure-5 dated 12.12.2022 within a stipulated period.

And further to set aside the order passed by the Disciplinary Authority (opp.party No.3) dated 19.07.2018 vide Annexure-2 and order of the Appellate Authority (opp.party No.2) dated 19.06.2019 vide Annexure-3.

And also to pay all service and financial benefits retrospectively.

And to pass any other order(s) or issue direction(s) as may be deemed fit and proper in the bonafide interest of justice.”

4. It is submitted by learned counsel for the petitioner that the petitioner, who is working as a constable in the Railway Protection Force, was initially posted at Nagpur. He was transferred to Khurda Division and posted at Chhatrapur in the year 1984. Thereafter, he was continuing as constable and in the year 2006, he was promoted to the post of Head Constable. In the year 2016 while he was continuing at Dhenkanal, a proceeding was initiated against him and the memorandum of charges was framed against the petitioner by the Asst. Security Commissioner, Railway Protection Force, East Cost Railway, Cuttack at Khurda Road-Opposite Party No.4 on 06.06.2017. In the departmental proceeding, the petitioner was found guilty and thereafter, the petitioner had preferred an appeal before the appellate authority and the said appellate authority confirmed the order passed by the disciplinary authority. While the matter stood thus, the petitioner was also involved in a criminal case arising out of self-same occurrence, was acquitted by the judgment of the learned trial court under Annexure-8 to the writ petition.

5. While the matter stood thus, the petitioner being aggrieved by the order of the appellate authority, he has preferred a revision petition before the Principal-Cum-Chief Security Commissioner, Railway Protection Force, East Coast Railway, Bhubaneswar-Opposite Party No.1 dated 12.12.2022.

6. Learned counsel for the petitioner further submits that the said Opposite Party No.1 may be directed to consider the revision petition under Annexure-5 in accordance with law within a stipulated period of time keeping in view the judgment of acquittal passed by the

competent criminal court.

7. Mr. B.S. Rayaguru, learned Central Government Counsel, on the other hand, submits that he has no objection, in the event the Revisional authority is directed to consider the revision petition and dispose of the same in accordance with law within a stipulated period of time taking into consideration the judgment passed by the learned competent criminal court.

8. Considering the submissions made by learned counsels for the respective parties, this Court deems it proper to dispose of the writ petition at the stage of admission by directing the Principal-Cum-Chief Security Commissioner, Railway Protection Force, East Coast Railway, Bhubaneswar-Opposite Party No.1 to consider the revision petition under Annexure-5 in accordance with law keeping in view the judgment of acquittal under Annexure-4 as well as judgment relied upon by the petitioner in support of his contentions within a period of three months from the date of production of certified copy of this order. Opposite Party No.1 is further directed to consider and dispose of the Revision petition by passing a speaking and reasoned order within the aforesaid period from the date of production of the certified copy of this order. Any decision so taken on the said Revision petition shall be communicated to the petitioner within a period of two weeks thereafter.

9. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge