

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4338 of 2018

In
Civil Writ Jurisdiction Case No.6657 of 2008

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Sunil Kumar Savita Son of Sri Nandu Lal Sharma, Resident of Village- Jagdishpur, P.S.- Kashi Chak, District- Nawada, Posted as Second in Command, Staff Officer to Deputy Inspector General of Police, Central Reserve Police Force, Siliguri Range, Kawakhali, P.O.- Shushrut Nagar, District- Darjeeling, Pin Code- 734004 W.B..

... .. Petitioner/s

Versus

1. Sri Rajeev Rai Bhatnagar I. P. S., The Director General Of Police, Central Reserve Police Force, Delhi
2. Ms. Charu Sinha, The Inspector General of Police, Bihar Sector, Central Reserve Police Force, Digha Complex, P.O.-Ashiyana Nagar, P.S.-Rajeev Nagar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Dr.M.P. Dixit, Advocate Mr. S.K. Dixit, Advocate Mr. S.K. Choubey, Advocate Ms. Swastika, Advocate Mr. Milind Raj Dixit, Advocate Mr. Shailendra Kumar, Advocate
For the UOI	:	Dr. K.N. Singh, Sr. Advocate (ASG) Mr. Subodh Kumar Jha, Advocate (Sr. CGSC) Ms. Tripti, AC to ASG

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 03-04-2024 Heard Dr. M.P. Dixit, learned counsel for the petitioner as also Dr. K.N. Singh, learned Additional Solicitor General of India.

2. Though, number of adjournments in the matter have taken place and contention of the learned counsel for the petitioner is that despite specific order passed by the writ Court with a direction to the Appellate Authority to pass a reasoned



order, the order was passed on 24.5.2018 by the I.G., C.R.P.F. Patna who was an incompetent authority to pass the order.

3. As per the Rule 17.2 of the Standing Order No. 56/21 issued by the Director General, C.R.P.F., New Delhi, subsequently, an appeal was preferred before the D.G., New Delhi who thereafter passed an order on 28.9.2018 (Annexure-4 to the petition) which clearly shows that he has simply endorsed the view of the I.G. and thus is a non speaking order.

4. Rule 17.2 of the Standing Order No. 56/21 read as follows:

"17.2. In the CRPF, the first representation against adverse remarks in ACR of AC to 2IC lies at the level of the Sector IG, who is the Head of the Department for his Sector Units. Appeals against the orders of the Sector IG are preferred to the DG, who is the Head of the Force. Some Officers, however, also prefer appeals to the Secretary MHA and Home Minister, etc. against the orders of



*the Director General on their first
appeal".*

6. Prima facie, the petitioner has made out a case, the order of the writ Court was made to the Appellate Authority, in this case, the D.G. to pass a reasoned order. However, since after passing of the order by the I.G., CRPF, Patna, pursuant to the appeal filed by the petitioner before D.G., i.e. the Appellate Authority, he has passed an order on 28.9.2018, sitting in contempt, this Court can only sympathize with the petitioner.

7. As an order has subsequently been passed by the Appellate Authority, it would be appropriate that the petitioner, if he so wants, challenge the same by filing an appropriate petition before an appropriate Court.

8. The MJC No. 4338 of 2018 stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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