

16.12.2024
Item No.125
gd/ssd

WPA/15614/2024
MIRAJUL HOSSAIN
VS
UNION OF INDIA & ORS.

Mr. Partha Sarathi Bhattacharyya, Sr. Advocate,
Mr. Kazi Sajjad Alam,
Ms. Afsana Khatun,
Mr. Mainul Thander
..for the Petitioner.

Mr. Samitendu Narayan Dutta,
Mr. Samrat Ghosh
..for UOI.

Affidavit-in-opposition and affidavit-in-reply
filed in Court today are taken on record.

The petitioner has challenged the Office
Order-355/2023 of the Deputy Inspector General
Range CRPF, Ajmer dated November, 2023 in this
writ petition.

The petitioner, while he was a member of the
Force, was served with Memorandum of Charge. The
charge levelled against the petitioner was that he has
committed disobedience of orders/neglect of
duty/laxity in the discharge of duty/other
misconduct and misbehavior in his capacity as a
member of the Force under Section 11(1) of the
Central Reserve Police Force Act, 1949 in the
discharge of general duty in which he has married
secondly to Smt. Sakela Khatoon on 8th April 2022
while his first wife Smt. Beauty Khatoon was alive.

The disciplinary authority after considering the materials on record passed the order on February 22, 2023 removing the petitioner from the service with effect from the date of issuance of Office Order i.e. 22nd February, 2023 (PM) and the petitioner was also removed from the Force of the said Battalion.

The petitioner challenged the said order by preferring an appeal under Rule 28 of the Central Reserve Police Force Rules, 1955 (for short “the 1955 Rules) and the appellate authority by an order dated November, 2023 dismissed the appeal petition. However, in the concluding portion of the said order it was observed by the appellate authority that if the petitioner so desires, he can submit a petition in accordance with Rule 29 of the 1955 Rules against the order of the appellate authority.

After some argument Mr. Bhattacharyya, learned Senior Advocate appearing for the petitioner submits that the petitioner may be given liberty to approach the concerned authority in accordance with Rule 29 of the 1955 Rules by extending the time limit stipulated therefor by the appellate authority.

The learned Advocate appearing for the Union of India submits that the petitioner had an opportunity to prefer a petition under Rule 29 of the 1955 Rules but having chosen not to approach the said forum within the time limit stipulated therefor,

the petitioner is not entitled to any relief in this writ petition.

However, considering the fact that the appellate authority granted liberty to the petitioner to file a petition in accordance with Rule 29 of the 1955 Rules and the petitioner filed the instant petition which was pending before this court for some time, this Court is inclined to extend the time limit for making such a petition.

The petitioner will be at liberty to file a petition in accordance with Rule 29 of the 1955 Rules before the appropriate authority against the order of the appellate authority dated November, 2023 on or before January 15, 2025. If the petition under Rule 29 of the 1955 Rules is filed within the time limit stipulated hereinbefore, the concerned authority shall consider and dispose of the same on merits and in accordance with law.

With the above observations and directions, the writ petition stands disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)