

09.12.2024
Ct. 23
M/L 17
ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 23322 of 2024

Basudeb Biswas

-Vs-

Union of India & Ors.

Mr. Ujjal Ray,
Mr. Sk. Abdur Rahim

... for the petitioner

Mr. D. N. Ray,
Mr. Rajesh Kumar Shah

... for the Union of India

Affidavit of service filed in Court today is taken on record.

The petitioner was a 'Constable (GD)' in Central Reserve Police Force (in short, 'CRPF'), who was served with a charge sheet dated 6th September, 2022, which culminated into a disciplinary proceeding and ended with the termination of service of the petitioner by an order dated 17th May, 2023. Although, Rule 28 of the CRPF Rules, 1955 (in short, '1955 Rules') provides for an appeal mechanism, the petitioner did not file the same but directly came before this Court by filing the instant writ petition on 11th September, 2024 without thereby exhausting the statutory remedy available to the petitioner.

In the aforesaid facts and circumstances, this writ petition is disposed of by giving liberty to the petitioner to prefer an appeal against the final order

dated 17th May, 2023 within a fortnight from date, failing which the petitioner shall be prevented from filing such appeal. Since the time period available for preferring an appeal is 30 days from the date of order under the Provisions of Rule 28 (e) of the 1955 Rules and the writ petition was filed on 11th September, 2024, I direct the Appellate Authority to hear out the appeal on merits, if filed within the time period provided without going into the issue of delay.

I make it very clear that I have not gone into the merits of the petitioner's case to challenge the final order dated 17th May, 2023 and the Appellate Authority shall be free to decide the issues that may be raised before it on merits without being influenced by any observation made in this order.

Nothing further remains to be adjudicated in this writ petition. The writ petition is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)