

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No.6590 of 2022

Roshan Kumar

..... Petitioner.

-Versus-

1. Union of India through General Manager, East Central Railway, Hajipur, Bihar.
2. Director General of RPF, Ministry of Railway, Rail Bhawan, New Delhi.
3. Principal Chief Security Commissioner, RPF, East Central Railway, Hajipur, Bihar.
4. Chief Security Commissioner, RPF, East Central Railway, Hajipur, Bihar.
5. Senior Divisional Security Commissioner, RPF, East Central Railway, Dhanbad, Jharkhand.
6. Assistant Security Commissioner, RPF, East Central Railway, Dhanbad, Jharkhand.
7. Inspector/CIB/RPF/ECR/Dhanbad, Dhanbad, Jharkhand.
8. Inspector RPF Post, Koderma-cum-Inquiry Officer of the chargesheet, Koderma, Jharkhand.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner :

Mr. Sakaldeo Singh, Advocate

For Respondents :

Ms. Leena Mukherjee, Advocate

Order No.10

Date: 08.05.2024

1. The present writ petition has been filed for quashing the order dated 22nd October, 2010 (Annexure-4 to the writ petition) issued by the Senior Divisional Security Commissioner, RPF, East Central Railway, Dhanbad- respondent no.5, whereby the petitioner, who was posted as Sub-Inspector of RPF Post, Gomoh, was put under suspension with immediate effect. The petitioner has also challenged the departmental major penalty chargesheet dated 21st November, 2022 (Annexure-6 to the writ petition) issued by the respondent no.5.
2. Learned counsel appearing on behalf of the respondents refers to paragraph nos.10 to 12 of the counter affidavit dated 9th February, 2024, which read as under:-

"10. That it is humbly stated and submitted that the Disciplinary Authority i.e. DIG- cum- the Chief security commissioner/RPF/East Central Railway/ Hajipur had awarded punishment of "removal from service" with immediate effect on 07.06.2023 vide Disciplinary order No.E/P/disciplinary order/Roshan Kumar/Dhanbad/2022 dated 05.06.2023 & DO No.71/2023 dated 07.06.2023 endorsement No.PF/DHN/01 (11) 153/ 2022/818 dated 07.06.2023 and same was received by the petitioner on 07.06.2023.

11. That it is humbly stated and submitted that against the order of Disciplinary Authority& DIG-cum- The Chief security commissioner/RPF/East Central Railway/Hajipur petitioner preferred an appeal which was rejected by the Appellate Authority IG-cum- the Principal Chief security commissioner/RPF/East Central Railway/Hajipur vide Appellate order No.E/P/Pro-Appeal/Roshan Kumar/Dhanbad / 2022 dtd.- 14.09.2023.

12. That it is humbly stated and submitted that against the order of Appellate authority/IG-cum- The Principal Chief security commissioner/RPF/East Central Railway/Hazipur Petitioner preferred a revision before Revisional Authority which is send to IG-cum-The Principal Chief security commissioner/ RPF/ East Central Railway/ Hazipur vide-letter No. SO/DHN /Departmental proceeding/ 2023/1546 dated 05.10.2023. to finalize the revision before Revisional Authority to The Director General/RPF/ Railway Board/Rail Bhawan /New Delhi. The revision dated- 25.09.2023 of the petitioner is under considering for final decision at Railway Board."

3. It has thus been admitted by the respondents that the revision preferred by the petitioner before the respondent no.2 on 25th September, 2023, has not yet been disposed of.
4. Learned counsel for the petitioner submits that since the petitioner was imposed a penalty of removal from service by the disciplinary authority and the appeal preferred by him against the order of the disciplinary authority has also been rejected, the respondent no.2, may be directed to dispose of

pending revision without further delay.

5. Considering the said submission of learned counsel for the petitioner, the respondent no.2 is directed to dispose of the revision preferred by the petitioner within six weeks from the date of receipt/production of a copy of this order by passing a reasoned and speaking order.
6. The writ petition is, accordingly, disposed of.

Sanjay/vs

(Rajesh Shankar, J.)