

28.02.2025
Court No.13
Item Nos.3 to 5
AP

FMA 1192 of 2019
Union of India & Ors.
Vs.
Kishor Behera

With

MAT 946 of 2015
With
CAN 3 of 2017 (Old No: CAN 7130 of 2017)
Union of India & Ors.
Vs.
Upen Mandi

With

MAT 947 of 2015
CAN 3 of 2017 (Old No: CAN 7131 of 2017)
Union of India & Ors.
Vs.
Deepak Kumar Srivastava

Mr. Partha Ghosh
Ms. Sabita Roy

... For the Appellants.

Mr. K.B.S. Mahapatra
Mr. Aditya Shit
Ms. Arifa Sultana

... For the Respondents.

1. The instant appeals are directed against judgement and/or order dated 13th March, 2015 passed mutatis mutandis in three writ petitions. By the impugned judgement three CISF constables were directed to be imposed with a lesser punishment than that of compulsory retirement. It was further directed that upon imposition of such penalty, the writ petitioners shall not be entitled any back wages but all consequential benefits would be payable and made available to them.

2. It is submitted that when the appeals were filed there was no stay of impugned judgement in any point of time. The original writ petitioners/respondents moved in contempt before a Single Bench. The said Bench recorded that the appellants/CISF have complied with the judgement dated 13th March, 2015 and the contempt proceedings were dropped.

3. It is submitted that during the pendency of the three appeals one of the writ petitioner/respondent namely Deepak Kumar Srivastava has superannuated from service.

4. Mr. Partha Ghosh, learned counsel for the appellants submits that lesser punishment of reduction in pay has been imposed on the three writ petitioners/respondents in deference to the order of the Single Bench.

5. This Court is, therefore, of the view that nothing further remains to be adjudicated in the three appeals. All arrears, prospectively from the date of imposition of penalty of reduction in pay including calculation of terminal benefits of Deepak Kumar Srivastava shall be effected by the appellants/CISF within a period of eight weeks from date.

6. All sums payable to the writ petitioners/respondents, i.e. for those who are in service, including any arrears accruing upon reduction of pay, if any, and

the calculation of all terminal benefits including pension, gratuity, leave encashment and others shall also be made available to Deepak Kumar Srivastava, if not already done within two weeks after the period of eight weeks indicated hereinabove.

7. In terms of the judgment passed by the Single Bench, none of the writ petitioners/ respondents shall be entitled to any back wages for the period between the date of removal till the date of reinstatement.

8. With the aforesaid observations, the appeals along with cross-objections shall stand disposed of. Consequently, all connected pending applications, if any, shall also stand disposed of.

9. There shall be no order as to costs.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)