

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8760 of 2020

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Balwant Kumar son of Dinesh Chaudhary resident of Village- Naya Tola,
Baluahi, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The East Central Railway through its General Manager, Hajipur.
2. The Chief Security Commissioner, Railway Protection Force, East Central Railway, Hazipur.
3. The Senior Divisional Security Commissioner, Railway Protection Force, East Central Railway, Danapur.
4. The Inspector Incharge, Railway Protection Force, Bakhtiyarpur-Cum-Enquiry Officer.
5. Director General, Railway Protection Force, Rail Bhawan, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Binod Singh, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
		Mr. R. K. Sharma, CGC
		Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-06-2026

Learned Advocate for the petitioner seeks permission to implead the Director General, Railway Protection Force, Rail Bhawan, New Delhi, as respondent no.5.

2. Permission is accorded.

3. Heard Mr. Ram Binod Singh, learned Advocate for the petitioner and Mr. Awadhesh Kumar Pandey, learned Sr. CGC, assisted by Mr. R. K. Sharma, learned Advocate for the Railways.

4. The present writ petition has been filed for the



following reliefs:

“(i) For issuance of writ in the nature of certiorari for quashing of the memo of charge as contained in letter no. 1325 dated 12.03.2020 issued by the Senior Divisional Security Commissioner, Railway Protection Force, East Central Railway, Danapur as he is not the disciplinary authority of the petitioner as the petitioner was appointed by the Deputy Inspector General-Cum-Chief Security Commissioner, RPF, East Central Railway, Hazipur, who is superior to Senior Divisional Security Commissioner, RPF, E.C. Railway, Hazipur.

(ii) For staying the departmental proceeding pursuant to such memo of charge as the memo of charge is based upon a criminal case instituted by the CBI bearing RC 0232019A0014 and if the departmental proceeding is allowed to continue on the basis of a charge in a criminal proceeding, the defence of the petitioner would be exposed to the prosecution causing prejudice to the criminal trial.

(iii) For necessary direction upon the respondent authorities to revoke the suspension of the petitioner and pay him full salary for the period the petitioner remained under suspension.

(iv) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”



5. Learned Advocate for the petitioner after some argument fairly submitted that during the pendency of the writ petition the petitioner has been inflicted with the punishment of dismissal from service on 07.04.2022 by the Inspector General-Cum-Chief Security Commissioner, RPF, Headquarter, Hazipur against which the petitioner has preferred statutory appeal before the Director General, Railway Protection Force, Rail Bhawan, New Delhi on 09.05.2022. Despite the appeal having been preferred on 09.05.2022, till date, the same is pending before the Appellate Authority and has not been disposed of.

6. Mr. Pandey, learned Senior CGC prays for a short adjournment to verify the present position and apprise this Court.

7. Having considered the submissions advanced by the learned Advocate for the petitioner that the appeal preferred against the order of punishment has not been disposed of till date and pending consideration before the Appellate Authority, this Court instead of keeping the matter pending, deems it apt to dispose of the writ petition with a direction to respondent no.5 to take up the appeal of the petitioner and bring to its logical conclusion preferably within a period of eight weeks from the date of



receipt/production of a copy of this order, if the same has not been disposed of till date.

8. Suffice it to observe that if the petitioner would not be satisfied with the order of the Appellate Authority, he has a remedy to challenge the same before the appropriate authority/forum.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2026
Transmission Date	NA

