

23-03-2026
Item No.10
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.5147 of 2026

Sri Souvik Mitra

-vs-

Union of India & Ors.

Mr. Prasenjit Mukherjee
Mr. Ziaul Haque
Mr. Jahangir Hossain
Mr. Saptarshi Chakroborty
Ms. Babita Pramanik ...for the petitioner

Mr. Bipul Kumar Mandal
Ms. Sumita Sarkar ...for the Union of India

1. The petitioner was serving in the Railway Protection Force as head constable. A disciplinary proceeding was initiated against him and he stood dismissed from service. Appeal preferred against the said order was also rejected. The revisional authority, however, found that there had been violation of the principle of natural justice and directed reinstatement of the petitioner with immediate effect and for conducting the departmental inquiry/proceeding de novo from the stage of passing of the disciplinary order.
2. De novo proceeding was duly conducted and the order of dismissal has been passed once again. Appeal preferred against the same has been disallowed. Revision against said order of the appellate authority is pending consideration.
3. Learned counsel for the petitioner submits that there has once again been failure on the part of

the authority to comply with the principle of natural justice.

4. Prayer has been made to set aside the entire disciplinary proceeding.
5. The aforesaid submission of the petitioner is opposed by the learned counsel representing the respondents. It has been submitted that the writ petition is a premature one.
6. It has also been submitted that revisional application filed before the authority is time barred.
7. According to the petitioner, section 9 sub-section (2) proviso of the Railway Protection Force Act, 1957 prescribes the manner of entertaining time-barred application seeking revision.
8. Be that as it may, as it appears that the revision petition is pending before the competent authority challenging the order passed by the disciplinary authority affirmed by the appellate authority, accordingly, the Court is not inclined to go into the merits of the same at this stage.
9. The instant writ petition is, therefore, disposed of directing the revisional authority to take steps to dispose of the revision petition filed by the petitioner, strictly in accordance with law, within the statutory time period and communicate the petitioner the fate of the revisional application.
10. It is made clear that this Court has not entered into the merits of the prayer of the petitioner and that all points are left open to be decided by the competent authority in accordance with law at the time of consideration of the application seeking revision.
11. All parties are to act on the server copy of this order duly downloaded from the official website of

this court.

12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]