

Item No.7
12.02.2026
Court. No. 6
(gc)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1 of 2026

Sri Lakhan Singh
Vs.
Union of India & Ors.

*Mr. Suddhasatva Banerjee,
Mr. Aurin Chakraborty,
Mr. Arnab Saha,
Mr. Md. Shoaib Akhtar*

...for the Petitioner.

*Mr. Sudipto Kr. Mazumder, Ld. DSGI,
Mr. Sudip Kr. Paul*

...for the Respondents.

1. Affidavit-of-service is taken on record.
2. The order impugned is set aside on the ground that it is an unreasoned order. This Court is not inclined to deal with the merits of the issues involved.
3. In my view, the High Court had set aside the initial order of punishment and directed that the proceeding should be reconstituted by the respondents by reopening the matter and by examining Sri Anand as a witness. The proceeding was directed to be concluded, upon examination of the said witness and by passing a fresh and appropriate order on the existing records, together with the testimony of Sri Anand. After the

testimony of Sri Anand was received, the petitioner, as well as, the respondents were to be given further opportunity to make their submissions. The reinstatement of the petitioner was not directed, but made subject to the result of the proceeding.

4. Mr. Banerjee, learned Advocate for the petitioner submits that the order of the Court does not reflect that the matter was decided afresh on the basis of the records, as directed by the Hon'ble High Court. The order of the Hon'ble High Court had been upheld by the Hon'ble Apex Court as well. In continuation of the order which was already set aside, the concerned summary court held that it adhered to the earlier finding that, the petitioner was guilty.
5. Learned DSGI submits that the conduct of the petitioner should be looked into by the Court. He had furnished false and fabricated evidence. He had entered into a civilian's house and fired 15 rounds of bullets under the influence of alcohol and people were hurt.
6. At this stage, this Court is not inclined to look into the contentions of Mr. Mazumder, learned DSGI solely on the ground that, the order impugned before the Court is not only without reasons, but is

also not in conformity with the direction of the High Court. The High Court directed as follows:-

“In those circumstances, the order of punishment dated 7th June, 1997 is set aside. The proceedings will be reconstituted by the respondents and will reopen by calling and examining Sri Anand as a witness and will conclude after his examination by passing a fresh appropriate order on the existing records together with the testimony of Sri Anand. After the testimony of Anand is received, the writ petitioner and the respondents will be given a further opportunity of making submissions.

The whole exercise should be completed within a period of three months from the date of communication of this order.

I make it clear that the impugned sentence or order cannot be enhanced.

Since the writ petitioner is not in service from 7th June, 1997, he need not be reinstated now. His reinstatement into service will depend on the result of the fresh order to be passed on the basis of this order.”

7. The High Court was of the view that the order of punishment deserves to be set aside because a key witness had not been examined. The summary court was directed to pass an appropriate order on the basis of the records after the key witness was examined. The order impugned, does not reflect that either the evidence on record or the depositions of the parties, were at all considered by the summary court. The summary court proceeded on a misconception that only an additional direction to examine Sri Anand was given and upon recording such evidence of Sri Anand, necessary orders could be passed as before. That was not the direction of the High Court. The entire order passed earlier was set aside and, in my view, a fresh order was directed to be passed upon consideration of not only the evidence of Sri Anand but also the entire records of the proceeding. The parties were also allowed to make their respective submissions.
8. The order impugned deserves to be set aside for the above reasons. The evidence of Sri Anand is on record. The summary court will fix a date of hearing. The petitioner as well as the respondents will be heard. Upon considering the submission and the records of the proceeding including the

evidence, a reasoned and detailed order shall be passed.

9. The entire exercise shall be completed within a period of six weeks from date.
10. The notice fixing the date of hearing shall be issued in advance to the petitioner and to his learned Advocate on record in this court.
11. The order impugned is set aside.
12. Accordingly, the writ petition is disposed of.
13. There shall be no order as to costs.
14. The parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)