

GAHC010083442021



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3355/2021

041664366 CT/GD SRI BICHITRA SARMA
S/O- LT. SHYAMANTA SARMA, R/O- VILL- MAKHIBAHA, P.O. MAKHIBAHA,
P.S. TIHU, DIST.- NALBARI, ASSAM, PIN- 781374

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI-7

2:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
CGO COMPLEX
BLOCK NO. 7
LODHI ROAD
NEW DELHI- 110003

3:THE DY. INSPECTOR GENERAL OF POLICE
CENTRAL RESERVE POLICE FORCE
R.K. PURAM
SECTOR-8
NEW DELHI- 110066

4:THE INSPECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
NORTH EASTERN REGION
SHILLONG- 793004

5:THE ADDL. DY. INSPECTOR GENERAL
GROUP CENTRE
CENTRAL RESERVE POLICE FORCE
9TH MILE

AMERIGOG
GHY-23

6:THE COMMANDANT
54 BN
CENTRAL RESERVE POLICE FORCE
C/O 56 AP

Advocate for the Petitioner : MR. R K TALUKDAR, MR. R SARMA

Advocate for the Respondent : ASSTT.S.G.I., MR H GUPTA

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 29.01.2025

Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Mr. H. Gupta, learned counsel for the respondent.

The claim of the petitioner before the Court is payment of back wages pursuant to interference by coordinate bench of the punishment of dismissal in course 'by the respondent authorities'. The order of the coordinate bench went on appeal preferred by the respondent which came to be dismissed as also the SLP(C) No.27462/2019 before the Hon'ble Supreme Court preferred by the respondents.

By the order of the coordinate bench the imposition of punishment of removal from service was interfered with as it was found to be harsh and excessive and direction was issued to the petitioner to be reinstated in service and it was left to the authorities to impose any lesser punishment. In terms of this order the petitioner was reinstated on 17.11.2019 and lesser punishment of stoppage of one increment for one year without cumulative effect was imposed.

The learned counsel for the petitioner is before this court claiming for back

wages in view of the finding of the coordinate bench that the removal from service of the petitioner was interfered with and set aside and the petitioner was directed to be reinstated.

The learned counsel for the respondent has referred to a Judgment of a Division Bench of Tripura High Court rendered in *The Union of India & others Vs. Sri Dilip Kumar Biswas (W.A. No.01/2028)*.

The learned counsel for the petitioner submits that he would like to peruse the Judgment and address the Court on some other date.

Accordingly, list the matter again on 03.03.2025.

JUDGE

Comparing Assistant