

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 244 of 2025

- 1. Union of India
- 2. Secretary, Ministry of Home Affairs, Cabinet Secretariat, New Delhi
- 3. The Director General, Central Industrial Security Force, New Delhi
- 4. The Inspector General, Central Industrial Security Force, Eastern Sector Headquarter, Ranchi
- 5. The Deputy Inspector General, CISF Unit BCCL, Koyla Nagar, Dhanbad
- 6. The Senior Commandant, CISF Unit, BCCL, Dhanbad

..... Appellants

Versus

Rishu Sharma, S/o Ashawni Sharma, R/o House No. 65, Subhash Nagar, P.O. & P.S.-Satwari, near Police Chowki, Gandhinagar, District-Jammu, Jammu & Kashmir

..... Respondent

-----

CORAM

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE RAJESH SHANKAR

-----

For the Appellants: Mr. Prashant Pallav, A.S.G.I.  
For the Respondent: -

-----

04/18.03.2026

**I.A. No. 2327 of 2025:**

- 1. Heard Mr. Prashant Pallav, learned A.S.G.I. appearing on behalf of the appellants/applicants.
- 2. The present interlocutory application seeks condonation of delay of 127 days.
- 3. We have perused the present interlocutory application and are satisfied that sufficient cause has been made out. Accordingly, we condone the delay and dispose of the present interlocutory application.

**L.P.A. No. 244 of 2025:**

4. With the consent of learned A.S.G.I., we have taken up the present appeal for consideration.
5. The present appeal is directed against the learned Single Judge's order dated 24.07.2024 disposing of W.P. (S) No. 4104 of 2021 and remitting the respondent-petitioner's case to the revisional authority for consideration of his revision petition on merits. The revision petition was directed against the order dated 20.08.2014 by which the respondent-petitioner was dismissed from service. The appeal against the said order was dismissed by the appellate authority on 07.10.2014. The revisional authority dismissed the respondent-petitioner's revision petition vide order dated 30.06.2021 holding that the revision petition was barred by limitation.
6. Before the learned Single Judge, the appellants relied on Rule 54 of the CISF Rules, 2001 (as amended in 2003), to contend that a revision petition had to be filed within six months. Further, we note that even the revisional authority has quoted Rule 54 in the revisional order.
7. Upon examining Rule 54, the learned Single Judge has correctly concluded that this Rule provides no limitation period to file a revision petition and reference to a period of six months is for the revisional authority to dispose of the revision.
8. Learned A.S.G.I., however, points out that though reference to Rule 54 may have been erroneous, Section 9(2-A) of the Central Industrial Security Force Act, 1968 (hereinafter referred to as 'the said Act') prescribes a six-month limitation period for preferring a revision petition. He admits that this substantive provision was not brought to

the learned Single Judge's notice. Learned A.S.G.I. further submits that reference to a wrong provision, though unfortunate, is not legally significant. He therefore submits that the respondent-petitioner's revision was correctly dismissed by the revisional authority as barred by the law of limitation.

9. We have perused Section 9(2-A) of the said Act and are satisfied that it provides for a six-month limitation period from the date of communication of the order for preferring a revision petition. However, there is no apparent bar for consideration of a revision petition, which may be filed beyond this period, provided sufficient cause is shown.
10. Therefore, while we agree with learned A.S.G.I. that the limitation period is to be counted under Section 9(2-A) of the said Act, we do not think that there is any reason to interfere with the impugned order of remand directing the revisional authority to consider the respondent-petitioner's revision petition on merits in the peculiar facts of this case.
11. The records show that, at the time the respondent-petitioner was dismissed from service, a criminal prosecution was pending against him. He was acquitted in the said proceeding on 29.08.2019. Thereafter, though he must have suffered on account of his dismissal, he preferred the revision petition within a reasonable period.
12. The above circumstances indicate sufficient cause for not preferring the revision petition within the six-month limitation period as prescribed. The respondent-petitioner reasonably believed that he could not have legitimately filed the revision petition while the criminal prosecution was pending against him, as there was no

likelihood of success in such a revision petition. After his acquittal, the revision petition was preferred, which, in the peculiar facts of the present case, constitutes sufficient cause for condoning the delay and entertaining the revision petition.

13. Ultimately, the respondent-petitioner has been dismissed from service over a charge for which he has already been acquitted. Although the scope of disciplinary proceedings in a criminal prosecution differs, we think the respondent-petitioner should have been afforded an opportunity to departmentally ventilate his grievance against his termination order. The impugned order has merely remanded the matter to the revisional authority for consideration of the revision petition on merits.

14. Even if we proceed on the premise that the learned Single Judge is incorrect in holding that no limitation period is prescribed for instituting a revision petition, the impugned order promotes substantial justice in the peculiar facts of the present case. *In this regard, it can be stated that it is a well-settled principle of law that where substantial justice is a byproduct of even a technically erroneous decision, this Court, in the exercise of its discretionary jurisdiction, is not bound to interfere.* This position finds categorical support in the observations of the Hon'ble Supreme Court in **Roshan Deen vs. Preeti Lal**, reported in **AIR 2002 SC 33**. The Hon'ble Apex Court has consistently reminded us that the power conferred upon High Courts under Articles 226 and 227 of the Constitution is designed to advance the cause of justice, not to thwart it.

15. Moreover, the jurisprudence governing Article 226 underscores that these extraordinary powers are to be invoked only when there exists a

*"supreme need"* for their exercise. The Hon'ble Supreme Court in the case of **Sangram Singh v. Election Tribunal, Kotah**, reported in **AIR 1955 SC 425** has emphasized that this discretionary jurisdiction is guided by the self-imposed limitation that the Court will not interfere *"unless substantial injustice has ensued, or is likely to ensue."* Consequently, even in instances where legal flaws might be "electronically detected," a writ court should refrain from interference unless the error has resulted in a manifest miscarriage of justice. Ultimately, the proceedings under Article 226 of the Constitution and the Letters Patent Appeal are intended to promote substantial justice.

16. Considering the matter from the above perspective, while declaring that the limitation period of six months is indeed provided for instituting a revision petition under Section 9(2-A) of the said Act, we decline to interfere with the impugned order of remand and the direction for consideration of the respondent-petitioner's revision petition on merits.
17. The present appeal is accordingly disposed of in the above terms. No costs.

**(M. S. SONAK, C.J.)**

**(RAJESH SHANKAR, J.)**

18.03.2026  
Satish/Vikas/  
Uploaded on 20.03.2026