
(2016) 11 JH CK 0037
In the Jharkhand High Court
Case No : W.P. (S) No. 417 of 2013

Kishun Oraon @ Kishnu Oraon

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 16-11-2016

Acts Referred:

Citation : (2017) 2 JBCJ 190

Hon'ble Judges : Mr. Pramath Patnaik, J.

Bench : Single Bench

Advocate : Mr. Sidhartha Roy, Advocate, for the Petitioner; Mr. Chanchal Jain, J.C to A.A.G, for the Respondents

Final Decision : Disposed Off

Judgement

Mr. Pramath Patnaik, J.—At the very outset, on the oral prayer of learned counsel for the petitioner, Director General of Police, Jharkhand is directed to be added as party-respondent in array of respondents as respondent no. 4.

2. In the accompanied writ application, the petitioner has inter alia prayed for quashing order dated 21.06.2010 passed by respondent no. 2 whereby the appeal preferred by the petitioner has been rejected and order the dismissal of the petitioner was upheld and also for quashing order dated 13.01.2009 passed by respondent no. 3 by which, a major punishment of dismissal from services was imposed upon the petitioner.

3. Learned counsel for the petitioner submitted that due to non-disposal of the appeal preferred by the petitioner, the petitioner approached this Court by filing W.P. (S) No. 1892 of 2009, which was disposed of vide order dated 20.05.2010 directing the respondent no. 2 to dispose of the appeal preferred by the petitioner within a period of sixteen weeks from the date of receipt of copy of the order. Pursuant thereto, the appellate authority passed order dated 21.06.2010, which is impugned in this writ application. During course of hearing, learned counsel for the petitioner submitted that under Rule 853 of the Police Manual,

the power of revision is enshrined upon the Director General of Police to consider the revision petition, though the petitioner has till now has not preferred any revision before the revisional authority.

4. On the merit of the case, learned counsel for the petitioner submitted that similarly situated persons, Sudhir Kumar and Sandeep Kumar Singh, who were alleged to have been served with graver charge have been inflicted with lesser punishment whereas the petitioner has been awarded with major punishment of dismissal from services. Hence, the impugned order is vulnerable on the score of parity in awarding punishment. Learned counsel for the petitioner further submitted that in the meantime seven years have lapsed after passing of impugned order, hence, if a direction is issued to the revisional authority to consider the case of the petitioner on ground of parity within a stipulated period, the grievance of the petitioner shall be redressed.

5. Learned counsel for the respondents-State does not raise serious dispute to that course of action.

6. In view of the limited grievance of the petitioner, without delving into the merit of the case, it would be apposite to dispose of the writ application with liberty to the petitioner to prefer a revision annexing all relevant documents/ annexures and placing all the points which has been raised before this Court, within a period of two weeks from today before respondent no. 4, who, in turn shall do well to consider the revision petition, so preferred by the petitioner, in accordance with law taking into account the doctrine of parity and long lapse of time, within a period of three months from the date of receipt of such revision. It is needless to mention here that if the respondent no. 4 decides the matter in favour of the petitioner, the consequential benefits shall be extended to the petitioner, in accordance with law.

7. With the aforesaid observations and directions, the writ petition stands disposed of.