



GAHC010090922018

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

Case No. : WP(C)/2783/2018

NARENDRA SINGH
S/O- SHRI SURYA NARAIN SINGH, R/O- VILL- KARANA, P.S. ARA
MUFFASIL, DIST- BHOJPUR, STATE- BIHAR

VERSUS

UNION OF INDIA AND 4 ORS.
REP. BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NEW DELHI

2:THE DIRECTOR GENERAL OF POLICE
CENTRAL RESERVE POLICE FORCE
LODHI ROAD
C.G.O. COMPLEX
NEW DELHI

3:THE INSPECTOR GENERAL OF POLICE
CRPF
NORTH EAST SECTOR
STONY HEAVEN BISHOP COTTON ROAD NO-0364
SHILLONG
MEGHALAYA

4:DY. INSPECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
UDARBAND DAYAPUR
SILCHAR
ASSAM

5:COMMANDANT
CENTRAL RESERVE POLICE FORCE
136
BATTALION



NALBARI
ASSA

For the Petitioner : Mr. Y.S. Mannan, Adv,

For the Respondents: Mr. K.K. Parasar, CGC.

**BEFORE
THE HON'BLE MR. JUSTICE SUMAN SHYAM**

Date of hearing : 11/05/2023.

Date of judgement : 28/06/2023

JUDGEMENT AND ORDER (CAV)

1. Heard Mr. Y.S. Mannan, learned counsel appearing for the writ petitioner. Also heard Mr. K.K. Parasar, learned CGC, appearing for the respondents.

2. The writ petitioner [Force No. 903030649] herein, was appointed as a Havildar under the Central Reserve Police Force (CRPF) and was posted at the 136 Bn, in the Nalbari district in the State of Assam. While serving as above, one Sri Ranjit Roy Barua, who was working as an Assistant Engineer in the Nalbari Water Resources Department, had lodged an FIR on 10/09/2008 alleging that on 09/09/2008, Hindi speaking people had come to his residence at 2-30 pm. On being informed by his son, the complainant, who was in his office, came home and found that two persons were sitting in the verandah. After talking for some time, they had demanded money from him by threatening to raid his house if he did not oblige. The two persons left his house to return the next day. Accordingly, the two persons had returned to the house of the complainant on the next day but since the owner of the house had informed the Superintendent of Police, Nalbari, in advance he came to the spot and apprehended the two persons red-handed, who were later identified as the present petitioner, viz. Sri Narendra Singh and his colleague Ram Bilash Ray (Force No. 913207801). The petitioner was placed under suspension with effect from 11/09/2008, where-after, a memorandum of charge was issued to him on 20/07/2008 containing 3(three) Articles of Charges. The allegations brought against the petitioner are quoted herein below :-

“Allegation-I

As per Rule 11(1) of the CRPF Rules, 1949, the Force No. 903030649 and Force No. 913207801 have been found guilty of disobeying and neglecting the orders by not following

rules on 10/09/2008 at 20:30 hours when they forcefully demanded money from Sri Ranjit Rai Barua, Asstt. Engineer of Nalbari Water Resource Department at his residence and subsequently being arrested by Superintendent of Police of Nalbari.

Allegation No. 2

It has been alleged that being the responsible member of CRPF, the Force No. 903030649 and Force No. 913207801 disrespected their duty as per Rule 11(1) of the CRPF Rule 1949 by disobeying office orders and thus brought a bad repute to the institution.

Allegation No. 3

It is alleged that Force No. 903030649 and Force No. 913207801 had misused their duty being a responsible member of CRPF by violating the Rule 11(1) of the Rule of 1949 by means of misusing the Government Vehicle, Motor Cycle Registration No. AS030 2925 and Gypsy No. AS-01 AE-6604.”

3. The petitioner had submitted his reply. However, not being satisfied with the reply submitted by the petitioner, a departmental proceeding was initiated against him. The petitioner had participated in the departmental proceeding. On conclusion of the proceeding, the Enquiry Officer had submitted his report to the Commandant of the 136 Bn. i.e. the respondent no. 5 herein on 08/06/2009. The Enquiry Officer had found that the charges brought against the petitioner under Article nos. 1 & 2 were partially proved whereas, the charge under Article -3 was found to be not proved. The respondent no. 5 had agreed with the report of the Enquiry Officer submitted on 08/06/2009 and thereafter, in exercise of powers available under Rule 27(a) of the Central Reserve Police Force Rules, 1949 (*herein after referred to as **CRPF Rules of 1949***), went on to impose the penalty of “reduction of two stages in the time scale of pay without cumulative effect”. However, the Deputy Inspector General of Police, CRPF, Dayapur, Udharbond, Silchar, Assam i.e. the respondent no. 4 herein, had exercised suo-moto power of revision under Rule 29(d) of the CRPF Rules, 1949 and issued a show cause notice dated 24/08/2009, calling upon the petitioner to submit his reply within 15(fifteen) days from the date of receipt of the show cause notice as to why he should not be discharged from service. Similar notice was issued to Constable Ram Vilash Rai as well. The petitioner had submitted his reply to the above show cause notice. Thereafter, the respondent no. 4 had passed order dated 22/10/2009 enhancing the punishment of the petitioner and his colleague by awarding the penalty of “compulsory retirement”, thereby modifying the earlier order of penalty dated 15/07/2009. The operative part of the order dated 22/10/2009 is extracted herein below for ready reference :-

“4. *After minutely examining the all aspects related to the case, the undersigned finds the*

award of punishment was less compared to their offence. I have come to the conclusion that the offence committed by the accused were of grave in nature and their act brought a very bad repute to the force. Therefore, I revised the punishment as follows :-

Cancelling the para 19(1) and 10(2) Order of the 136 Battalion, I have issued the following Order:-

5. Force No. 903030649 Havildar/GD Narendra Singh and Force No. 913207801 Constable/GD Ram Vilash Rai of 136 Battalion of CRPF have violated the Rules of the Force by disobeying and going against the set rules. The offences are very serious and they would be dismissed on that ground. But due to their long service record and considering their service period they have been awarded compulsory retirement with immediate effect."

Aggrieved by the order dated 22/10/2009, the instant writ petition has been filed by Constable Narendra Singh.

4. Mr. Y.S. Mannan, learned counsel for the petitioner has submitted that the allegations brought under Articles 1 & 2 of the Memorandum of Charges could not be proved against the petitioner during the enquiry proceeding and, therefore, the findings of the Enquiry Officer to the effect that the aforesaid two charges were partially proved is wholly incorrect. That apart, submits Mr. Mannan, during the enquiry proceeding, the petitioner was not afforded a fair opportunity to defend his interest, inasmuch as the petitioner was not even allowed to examine any of the 10(ten) witnesses produced by the department nor was he furnished with the documents relied upon by the conducting officer so as to prove the charge. Notwithstanding the same, the petitioner had participated in the enquiry proceeding and accepted the order dated 15/07/2009 imposing the penalty of "reduction by two stages in the time scale of pay without cumulative effect". However, the petitioner is aggrieved by the exercise of suo-moto power of revision by the respondent no. 4 leading to imposition of the enhanced penalty of "compulsory retirement". Mr. Mannan has argued that the impugned order dated 22/10/2009 does not record proper reasons based on which the penalty was enhanced and therefore, the same is liable to be set aside on such count alone.

5. Mr. Mannan has further argued that even the conviction of the petitioner in connection with GR Case No. 867/2008, awarding simple imprisonment for one month with fine of Rs. 500/- with default stipulation, was modified by this Court in Criminal Appeal No. 23/2009 whereby, the learned Sessions Judge, Nalbari had held that the prosecution had failed to prove the charge brought against the accused persons under sections 385/34 of the IPC and directed that the petitioner may pay fine of Rs. 1000/- only for the offence under sections 448/34 of IPC. Eventually, by the judgement and order



dated 05/03/2009 passed by this Court in Criminal Revision Petition No. 477/2011, the petitioner was directed to be released with due admonition under section 3 of the Probation of Offenders act, 1958. As such, submits Mr. Mannan, the petitioner was practically discharged from the charge framed in connection with the criminal case. Therefore, there being no cogent ground recorded in the order dated 22/10/2009 justifying the enhanced punishment awarded to the petitioner, the impugned order is not sustainable in law, more so, since the charges brought against the petitioner could neither be proved in the enquiry proceeding nor could the same be established in the criminal proceeding. The petitioner's counsel has summed up his argument by submitting that the impugned order dated 22/10/2009 deserves to be set aside by this Court on all or any of the grounds stated above. Mr. Mannan submits that an order major penalty imposed in exercise of suo-moto power of review, without proper reason, would be un-sustainable in the eye of law.

6. In support of his above arguments, Mr. Mannan has relied upon the decisions of the Hon'ble Supreme Court rendered in the case of ***Makeshwar Nath Srivastava Vs. The State of Bihar and others*** reported in ***1971 (1) SCC 662***; ***Dev Singh Vs. Punjab Tourism Development Corporation Ltd. and another*** reported in ***(2003) 8 SCC 9*** ; ***Divisional Forest Officer, Kothagudem and others Vs. Madhusudhan Rao*** reported in ***(2008) 3 SCC 469*** and ***Kranti Associates Private Ltd. and another Vs. Masood Ahmed Khan and others*** reported in ***(2010) 9 SCC 496***.

7. By referring to Rule 29(b) of the CRPF Rules, 1949, Mr. Mannan has also argued that since the procedure to be followed while exercising revisional jurisdiction under Rule 29 is same as that provided under Rule 28(e) to (g) and considering the fact that as per Rule 28(e), an appeal which, if not filed within 30(thirty) days from the date of the original order, shall be barred by limitation, hence, the impugned order dated 22/10/2009 must be held to be without jurisdiction since the show cause notice issued in exercise of suo-moto power of revisional jurisdiction was issued by the respondent no. 4 beyond the period of 30 days from the date of the original order.

8. The learned counsel has, therefore, prayed for an order directing immediate reinstatement of the petitioner in service with full back wages by contending that since his client was deprived of his service due to an order of penalty issued without jurisdiction, hence, he should be reinstated in service with full back wages after adjusting the amount payable to the petitioner as retirement benefits, if any, already received by him. In support of his above arguments, the Mannan has relied upon the following decisions :-

(i) (2013) 10 SCC 324 (Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (B.Ed) and others; (para 22)

(ii) (2016) 16 SCC 663 (Shobha Ram Raturi Vs. Haryana Vidyut Prasaran Nigam Ltd. and others; (para 3)

(iii) (2015) 15 SCC 184 (Pawan Kumar Agsarwala Vs. General Manager-II and appointing Authority, State Bank of India and others. (para 25 & 26).

9. Responding to the above arguments, Mr. K.K. Parasar, learned CGC has argued that the power to review an order of penalty suo-moto is provided under Rule 29(d) of the CRPF Rules, 1949. Since show cause notice was duly served upon the petitioner before enhancement of the punishment, hence, the principles of natural justice as well as the requirement of the Rules have been properly followed in this case. Mr. Parasar has also submitted in his usual fairness that although detailed reasons are not given in the impugned order, yet, there is sufficient reasons furnished in the order dated 22/10/2009 in support of the decision to enhance the penalty. Therefore, this is not a fit case for this Court for interfering with the order dated 22/10/2009.

10. Coming to the plea of review proceeding being barred by limitation, Mr. Parasar has submitted that the aforesaid aspect of the matter would be governed by the prescription of statute. The learned departmental counsel has urged that even if a negative view is taken in this matter by this Court and the impugned order of penalty dated 22/10/2009 is interfered with, even then, reinstatement in service after a lapse of more than 12 (twelve) years from the date of compulsory retirement of the petitioner would be wholly unwarranted as the writ petitioner may no longer be fit to be retained in service at this point of time.

11. I have considered the submissions made by learned counsel for both the sides and have carefully gone through the materials available on record.

12. The facts of the case, as noted above, are more or less admitted. There is no dispute about the fact that the Enquiry Officer had found that the charges brought against the petitioner under Articles 1 & 2 have been partially proved whereas, the charge under Article-3 could not be established. It was on the basis of such enquiry report, originally the respondent no. 5 had issued the order dated 15/07/2009 imposing the punishment of "reduction of time scale of pay for two years". However, on a suo-moto exercise of revisional jurisdiction under Rule 29(d), the respondent no. 4, who is the next superior officer to respondent no. 5, had issued show cause notice dated 24/08/2009 and thereafter, went on to pass the order dated 22/10/2009. Since Mr. Mannan has submitted that the charges under Articles 1 & 2 could not even be partially established in the departmental proceeding initiated against the petitioner, I deem it appropriate to extract the relevant portion of the findings of the Enquiry Officer with regard to charge Nos. 1, 2 & 3 herein below :-

"Analysis and assessment of the statement and document:

With the help of witnesses of the Complainant Sri Ranjit Rai Baruah (Assistant Engineer, Water Resource Department, Nalbari), Superintendent of Police, Nalbari, Inspector of Police, Kamal Singh, Officer-in-Charge, Nalbari Police Station, Investigating Officer 2nd OC- Bayibour Rahman – the Complainant filed an FIR against the two accused on 10/08/2008. The Officer-in-Charge of Nalbari Police Station sent a wireless message to the office of the Commandant 136 CRPF Battalion in this regard on 15/09/08. The office of the Commandant 136 Battalion sent a detail report to the higher authority on 28/09/2008. All these communication establishes the fact that the two accused had committed the said crime and caught red-handed. But at the time of arrest, neither any weapon nor money had been recovered from the accused. The fact that the accused demanded the extortion money, could not be established.

The final report and verdict by the Inquiry Officer on the allegations:

*Considering all aspects, the Inquiry Officer comes to the conclusion that both the accused went to the residence of Sri Ranjit Rai Baruah (Assistant Engineer) on 10/09/2008 at 2:00 PM – 2.30 PM and subsequently got arrested. But the fact that they forcefully demanded the money cannot be established. Therefore, the allegation no.1 levelled against the two accused is **partially proved.***

Analysis and assessment of the statement and documents :

With the help of witnesses of the Complainant Sri Ranjit Rai Baruah (Assistant Engineer, Water Resource Department, Nalbari), Superintendent of Police, Nalbari, Inspector of Police, Kamal Singh, Officer-in-Charge, Nalbari Police Station, Investigating Officer and OC – Majobur Rahman-I, the Inquiry Officer have come to the conclusion that both the accused went to the house of Sri Ranjit Rai Baruah (Assistant Engineer, Water Resource Department, Nalbari) and while discussing about the extortion money, the Superintendent of Police Nalbari caught them red-handed. Their this act has brought bad repute to the CRPF which is a very disciplined Force. Therefore, the allegations of Para-2 has been found to be true and proved against Force No. 903030649 Habildar/GD Narendra Singh (Head Office/136 Batt.) and Force No. 913207801, Constable/GD Ram Vilash Rai (F/136 Batt.)

The Final Report and Verdict by the Inquiry Officer on the allegations :

Considering all aspects, the Inquiry Officer comes to the conclusion that the accused Habildar Narendra Singh and Constable Ram Vilash Rai misused their power as government servant and used the motorcycle bearing Registration No. AS-30-2925 is proved but the allegations on the accused that they also misused the Maruty Gypsy bearing Registration No. AS-01 AE-6804 is not true as there is no prove from the statement of Titmal Doley, Superintendent of Police,



*Nalbari. Therefore, the allegations on Force No. 903030649 Habildar/GD Narendra Singh (Head Office/136 Batt.) and Force No. 913207801, Constable/GD Ram Vilash Rai (F/136 Batt.) of misusing the office motor cycle is in para 3 has been **partially proved**".*

13. From a careful reading of the report submitted by the Enquiry Officer, it appears that although the allegation of having demanded money from the complainant by the writ petitioner and his colleague could not be established, yet, the finding of the Enquiry Officer to the effect that both the Constables had gone to the residence of the complainant Ranjit Roy Baruah on the date and time mentioned in the complaint appears to be well established. Be that as it may, since the writ petitioner has not questioned the findings recorded in the enquiry report dated 08/06/2009 nor has he challenged the original order of penalty (first order) dated 15/07/2009, it would not be necessary for this Court to consider as to whether the charges/allegations brought against the writ petitioner could be established before the Enquiry Officer or not. The only question, which would arise for decision of this Court in the present proceeding, at this stage, is pertaining to the legality and validity of the subsequent order of penalty dated 22/10/2009 enhancing the punishment to "compulsory retirement".

14. Having regard to the submissions made at the Bar, it is evident that the order dated 22/10/2009 has been assailed on two grounds. Firstly, that the same was barred under the Law of Limitation. Secondly, no reasons have been furnished in the impugned order so as to justify the enhancement of the punishment. In order to adjudicate upon the aforesaid two issues, it will be necessary for this Court to examine certain provisions of the Rules of 1949, as hereunder.

15. As per Rule 27(a) of the Rules of 1949, the punishment of dismissal or removal from service including that of reduction to a lower stage in the time scale of pay for a specific period can be imposed by the Commandant if the employee is in the rank of Constable. In the present case, the respondent no. 5, who was a Commandant, had imposed the punishment by order dated 15/07/2009 upon the petitioner and the other Constable Ram Vilash Rai.

16. Rule 29 of the Rules of 1949 deals with power of revision and according to Rule 29(d), the Officers' named therein would have the power to call for the records to award any punishment and confirm, enhance, modify or annul the same or make or direct further investigation to be made before such an order, provided the accused is given an opportunity to show cause. As per Rule 29(b), the procedure prescribed for hearing appeals under Rule 28(e) to (g) would be applicable *mutatis mutandis* for revision. Rule 28(e) prescribes as follows :-

"28(e) an appeal which is not filed within 30 days of the date of the original order, exclusive of the time taken to obtain a copy of the order or record, shall be barred by limitation.

Provided the appellate authority may entertain time barred appeal if deemed fit."

17. From a conjoint reading of the provisions of Rule 29 and Rule 28(e), it is apparent that unless the power of revision, be it on the basis of any revision application or suo-moto under sub-rule (d), is exercised within 30 days from the date of the original order, such a proceeding would be barred by limitation. The aforesaid aspect of the matter has been discussed by the High of Juicature at Madrass in the judgement dated 20/01/2009 rendered in the case of *Commandant 110 Battalion, Central Reserve Police Force and others Vs. Harisingh [WA No. 2989/2004]* reported in *2009 4 MLJ 60*. The observations made in the aforesaid decision in paragraph 7 is extracted herein below :-

" 7. It is argued by the learned counsel for the appellants that though Rule 29 refers to the procedure enumerated under sub-rules (c) to (g) of Rule 28 should be followed for revisions, the same shall not be applicable in view of the specific provision of Rule 29 (d), which does not prohibit the revisional authority to exercise the suo motu power to revise the order. We are not convinced with the said reason. A plain reading of Rule 29

(b) would show that the procedure contemplated under Rule 28(e) relating to the filing of the appeal within a period of 30 days is also applicable for revisions, as the said Rule refers to "petitions for revision." The said Rule cannot be restricted only for a petition filed for revision by the person aggrieved of the orders in the appeal, and it has to be extended to the power of the Director General or the Inspector General, as the case may be, under Rule 29(d) of the Rules as well. Of course, under Rule 29(d), a power is conferred on the authority to suo motu call for the records of award of any punishment and confirm, modify or annul the same including to enhance such punishment, but it cannot be without any limitation, as such an interpretation would not be in conformity with the service jurisprudence. When the Rules prescribe a specific limitation for the delinquent officer, who has been found guilty, either to prefer appeal or the consequent revision, the unfettered power on the authorities to revise an order of punishment and also the enhancement of punishment cannot be without a restricted period.

18. From a reading of the aforesaid decision, in the light of the provisions of Rule 28(e) of the Rules of 1949, it will be evident that the jurisdiction of the revisional authority to entertain a revision, be it at the instance of the employee or in exercise of suo-moto jurisdiction, would be subject to the Law of Limitation, as prescribed under the aforesaid provision, which is 30(thirty) days from the date of issuing the original order. In the present case, the first order of penalty was issued on 15/07/2009. On 24/08/2009, notices were issued/served upon the writ petitioner and his colleague giving them 15

(fifteen) days time to reply as to why enhanced punishment should not be imposed upon them. What is evident on the face of the record is the fact that the notice dated 24/08/2009 was issued after the expiry of 30 days from the first order of penalty dated 15/07/2009. Therefore, the same was evidently beyond the period of 30 days of limitation period as prescribed under Rule 28(e).

19. Having regard to the decision in the case of ***Hari Singh (Supra)***, I am of the view that the *suo-moto* revision proceeding initiated by the revisional authority i.e. the respondent no. 4 was bad in law, the same being barred under the Law of Limitation. Therefore, the impugned order dated 22/10/2009 was without jurisdiction and hence, *non est* in the eyes of law.

20. Coming to the next question regarding non-furnishing of proper reasons in the impugned order dated 22/10/2009, here also, I find that although the respondent no. 4 had discussed about the factual background of the case, yet, the only reason for enhancement of the order of punishment was to the effect that the same was less as compared to their offence. The respondent no. 4 has not recorded any reason as to why he disagrees with the order of penalty dated 15/07/2009 issued by the respondent no. 5 nor has been furnished any other reason for taking a different view in the matter leading to enhancement of the punishment.

21. In the case of ***Kranti Associates Pvt. Ltd. and another Vs. Masood Ahmed Khan and others*** reported in **(2010) 9 SCC 496**, the Supreme Court has emphasized on the on the importance of giving reasons in support of orders to be issued by quasi judicial authority as well as the need to support decisions by giving cogent, clear and succinct reasons.

22. By taking note of the decision rendered in the case of ***Kranti Associates Pvt. Ltd. and another (Supra)***, a Division Bench of the Punjab and Haryana High Court at Chandigarh, while dealing with a matter of similar nature wherein, a CRPF Constable was dismissed from service in exercise of powers by the revisional authority, had made the following observations :-

“19. It is settled principle that when an order of such grave consequence is passed, it should have dealt with all the issues which were arising and noticed by the disciplinary authority and which were just brushed aside by the Appellate Authority while exercising its power of revision and imposing the extreme punishment of dismissal. Reference can be made to the judgment of the Apex Court passed in Divisional Forest Officer, Kothagudem and others Vs. Madhusudhan Rao, (2008) 3 SCC 469, wherein it was held that reviewing authority will give reasons while rejecting the revision/appeal since a judicial function is being performed. In the said case, the Apex Court was dealing with the order of the Division Bench of the High Court wherein the order of the Tribunal had been upheld directing the respondents to be reinstated in service. It was, accordingly, held that though detailed reasons may not have been given for agreeing and



confirming an order passed by the appellate authority, but the delinquent officer is entitled to know at least the mind of the appellate or revisional authority for dismissing the appeal and the same should come forth.

20. *In the present case it is to be noticed that there were no reasons given for the order while enhancing the punishment, apart from the fact that the inquiry authority as such had come to the conclusion that the charges had been proved and that the superior officer had been assaulted, but the same as noticed above had been discussed by the Commandant to the contrary. Thus, there should have been reasons by the Appellate/Revisional Authority as to how the reasoning given by the Commandant was bad before enhancing the punishment and, therefore, it can be safely said that the order enhancing the punishment suffers from the vice of absence of reasons."*

23. In view of the discussions made herein above, this Court is of the opinion that the impugned order dated 22/10/2009 is not based on any reason not to speak of proper reason and therefore, having regard to the consequences that would ensue upon the petitioner due to such order, the same cannot withstand the scrutiny of law.

24. For the aforementioned reasons, the impugned order dated 22/10/2009 is found to be unsustainable in the eyes of law and the same is accordingly set aside.

25. This brings us to the final issue i.e. on the question of relief that can be granted to the petitioner at this stage. Mr. Mannan, learned counsel for the petitioner has prayed for reinstatement of the writ petitioner with full back wages. However, the fact remains that pursuant to the order date 22/10/2009, the petitioner has been out of service and at this point of time, it is not known as to whether, he is in a fit mental and physical condition to rejoin the force. Moreover, it appears from the materials on record that the writ petitioner is nearly 53 years old as on date. Therefore, having regard to the peculiar facts of this case, this Court is not inclined to issue any direction for reinstatement of the petitioner after the lapse of more than 13 years since he was sent on compulsory retirement. At the same time, since it has been held that the impugned order dated 22/10/2009 suffers from infirmity leading to setting aside of the same, the petitioner cannot be denied the fruits of his success in this writ petition. As such, for the ends of justice and by balancing the equities, it is hereby provided that the petitioner shall be notionally treated to be in service till the date of this judgement. Accordingly, the pensionary benefits of the writ petitioner be re-computed, whereafter, the arrear pension be released after adjusting the pension, if any, already paid to the petitioner as per the impugned order dated 22/10/2009. In other words, by virtue of this order, the petitioner shall be



deemed to have retired from service w.e.f. today i.e. 28/06/2023. However, by keeping in mind the salutary principle of "no work no pay", the prayer for back wages is hereby declined.

26. The writ petition stands allowed to the extent indicated herein above.

There would be no order as to costs.

The departmental records be returned back.

JUDGE

Sukhamay

Comparing Assistant