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(DO)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/4716/2026

SUDHIR KUMAR SINGH
VS
UNION OF INDIA & ORS.

Mr. Victor Chatterjee, Advocate
Mr. Pramitava Nath, Advocate

.....for the Petitioner

Ms. Smita Pal, Advocate
Ms. Tanushree Gosh, Advocate

.....for the South Eastern Railway

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner is aggrieved that he has been dismissed from service in gross violation of the order of April 10, 2024 passed by this Hon'ble Court.
3. Indisputably, the petitioner has been charged for using a firearm on a colleague and disciplinary proceedings had been initiated on the basis of such charge. After the proceedings were completed and an order passed dismissing the petitioner from service, the same was challenged before the Appellate Authority, which finding was again challenged by way of WPA/15366/2017 before this Hon'ble Court.
4. This writ petition was disposed of by this Hon'ble Court by its order dated April 10, 2024, holding, inter alia:

32. "In view thereof, the enquiry proceeding from the stage of the communication dated 31st May, 2016, including the final order passed by the higher disciplinary authority dated 1st June 2016 stands set aside. The appellate authority also did not appropriately consider

the aforesaid issue and had mechanically refused to interfere. Having regard to same the order passed by the appellate authority dated 12th April, 2017 is also set aside."

5. Parties are *ad idem* that even though the order of the High Court records the order of dismissal to be June 1, 2016, the same should be read as July 1, 2016.
6. In terms of the order of this Court, the order of dismissal had been set aside.
7. The authorities, in terms of the order, have reconsidered the entire matter on the basis of available documents and in terms of the order of this Court, coming to a finding that the order of July 1, 2016, was rightly made, dismissing the petitioner from service.
8. It is this order of June 21, 2024, that has been challenged by way of this writ petition.
9. Clearly, the Senior Divisional Security Commissioner has misdirected his entire finding, not so much in coming to a conclusion but in upholding the order of dismissal dated July 1, 2016. This order had already been set aside by this Court in its judgment and order of April 10, 2024. Thus, the question of dismissing the petitioner in terms of that very order is completely unfounded.
10. In view of the aforesaid, the order of June 21, 2024, is set aside.
11. I direct the Senior Divisional Security Commissioner, RPF, South Eastern Railway, Chakradharpur, to reconsider the issue on the

basis and in terms with the order of April 10, 2024 and come to an independent finding, bereft of the order of dismissal dated July 1, 2016.

12. The petitioner has also urged that the criminal proceedings against him have been dropped and he has been acquitted thereunder.
13. The petitioner is permitted to apprise the authority of such matter and will produce a copy of such order before the concerned authority for his consideration.
14. The said authority will pass a reasoned order by October 15, 2026.
15. The resultant order will be communicated to the petitioner within a week thereafter.
16. With the aforesaid directions, the writ petition stands **disposed of**. No order as to costs.

(Reetobroto Kumar Mitra, J.)