

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE ANAND PATHAK**

**ON THE 1<sup>st</sup> OF AUGUST, 2024**

**WRIT PETITION No. 21183 of 2024**

***PANKAJ SINGH RAJPUT AND OTHERS***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

*Shri Ankit Saxena – Advocate for petitioners.*

*Shri Lalit Joglekar – Government Advocate for respondents-State.*

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**ORDER**

The present petition is preferred under Article 226 of the Constitution of India seeking following reliefs:-

- i. That this Hon'ble Court may kindly be pleased to issue writ in the nature of certiorari by quashing the impugned order dated 19/07/2024 (Annexure P-3) passed by respondent No.4.
- ii. That this Hon'ble Court may kindly be pleased to issue writ in the nature of mandamus directing respondents not to take any action or departmental proceedings against the petitioners holding that they have violated order dated 19/07/2024.
- iii. Any other relief which this Hon'ble Court may kindly be deemed fit and proper in favour of petitioners may also be given together with cost of petition, in the interest of justice.

2. In the present case petitioners have been directed to join at Bhopal, where they would be trained for participation in Music Band of Police Department.

3. At the outset learned counsel for the petitioners informs this Court that earlier in some similar fact situation in the matter of some similarly placed employees, Indore Bench in bunch of Writ Petitions, in which W.P.No.3374/2024 (Hitesh Khtik & Others Vs. The State of M.P. & Others) was lead case, passed certain directions to the Police Authority to consider the letter issued by Dy. Inspector General of Police, Bhopal dated 09/02/2024 in its letter and spirit. Therefore, on this pretext petitioners preferred this petition. Later on he came to know about the order dated 29/05/2024 passed in W.P.No.13966/2024 (Ravi Shankar & Others Vs. State of M.P. & Others), in which this Court detailed out the basis for conducting such programme and the compliance to be made by the incumbents for this purpose.

4. Learned counsel for the petitioners has fairly submits that he was not in knowledge of said order, otherwise he would have advised the petitioners to appear before the authority concern to undergo training of Police Band. Now, they are ready to undergo training for participation in Police Band. However, order dated 30/07/2024 passed by Station House Officer, Police Station, Traffic, Harda stares over their prospects, because vide order dated 30/07/2024 they have been placed under suspension and preliminary enquiry is going on. Therefore, he seeks some respites on behalf of petitioners, so that they can join and submit compliance report without any delay.

5. At this stage, learned counsel for the respondent-State opposed the prayer. However, fairly submits that it is the duty of the petitioners to join

as directed by the higher authorities. If they join, then certain higher authorities will consider their compliance as per law.

6. Considering the rival submissions and the fact that vide order dated 29/05/2024 passed in W.P.No.13966/2024 this Court has clarified the position regarding joining in Police Band team. Therefore, petitioners have to join at appropriate place where they have been directed to join. Since, they have given undertaking and they seek withdrawal of this petition, therefore, it is expected from the Police Authority that order dated 30/07/2024 shall not be proceeded coercively to the detriment of petitioners and if petitioners prefer an appeal against the order of suspension, then same shall be taken into consideration sympathetically considering the fact that petitioners intend to join immediately. If, they join immediately, then respondent-Authority shall accept their joining as per administrative convenience and thereafter pass appropriate order on appeal within 15 days so preferred by them. After decision of the appeal, their joining shall be accepted as per the decision in appeal and they would be imparted training as per schedule.

7. With the aforesaid observations, petition stands disposed of.

**(ANAND PATHAK)**  
**JUDGE**

as.

