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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3453/2015**

PRIYA RATAN JHA

..... Petitioner

Through: Ms.Jyoti Singh, Sr.Adv. with Ms.Tinu
Bajwa, Mr.Amandeep Joshi and
Mr.Sameer Sharma, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Jaswinder Singh, Advocate
with Mr.S.S.Sejwal, Law Officer,
CRPF

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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16.11.2015

The petitioner's limited grievance is that the penalty of censure imposed on him after completion of disciplinary proceedings was not preceded by any information or reference to him, of the advice tendered by the UPSC to the appropriate authority under Article 320 (3) of the Constitution of India. The petitioner relies upon the decision of the Supreme Court in *Union of India vs. R.P.Singh* (2014) 7 SCC 340. The court in that decision had highlighted that besides following the procedure prescribed i.e. completion of enquiry, furnishing of an enquiry report as a prelude to the imposition of the penalty, wherever law mandates prior consultation with the UPSC, the opinion tendered by the UPSC has to be furnished to the concerned officer/employee before penalty is actually imposed.

In the present case, the advice/opinion actually tendered by the UPSC was not furnished to the petitioner. Consequently, the writ petitioner is entitled to succeed. The impugned order is hereby quashed. Since the petitioner now possesses a copy of the opinion tendered by the UPSC, it is open to him to represent to the appropriate authorities i.e. Central Reserve Police Force (CRPF) within four weeks. The CRPF shall pass appropriate orders within four weeks after duly considering the representation and the other material on record including the enquiry report etc.

The writ petition is allowed in the above terms.

Dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

NOVEMBER 16, 2015

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