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

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Decided on : 09.07.2015

+ **W.P.(C) 5683/2015**

SURENDER NEGI

..... Petitioner

Through: Mr.Ankur Chhibber, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Vikram Jetly, CGSC with
Mr.Arun Kumar, Advocate
Mr.Jaswant Singh, SAO, LAW, SSB

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

MR. JUSTICE S. RAVINDRA BHAT (OPEN COURT)

1. The petitioner is aggrieved by an order removing him from service issued by Sashastra Seema Bal pursuant to Summary Force Court proceedings held by the said organization (hereinafter referred to as 'SSB') under Section 51 (c) of the Sashastra Seema Bal Act, 2007.

2. The brief facts are that the petitioner was recruited into SSB as a Constable (GD) under the sports quota in the year 2007. The petitioner is a judo player who claims to have participated in several All India Police Wrestling Cluster competitions. He had relied upon a letter by the Sports Authority of India (hereinafter referred to as 'SAI') stating that he was selected for admission in the judo coaching session for the year 2011-12. The letter was addressed to the petitioner's battalion. Based upon this

communication the petitioner's deputy commandant recommended his release on 24.09.2011. The sanction was subsequently given and the petitioner reported to SAI for training. On 19.03.2012 pursuant to a communication, SAI directed the release of the petitioner and several other employees of the SSB to enable them to participate in competition. In these circumstances, the competent authority who had accorded sanction to the petitioner to train under the SAI, directed on 24.05.2012 that the intimations of the SAI received under the similar circumstances ought to be verified. This was due to the fact that when the participants of various training sessions had been asked to report back, most of them did except for one individual who had never reported to the SAI for training. Upon receipt of this letter SAI replied stating that the selection letters were never issued in respect of various employees of SSB. A similar letter was written to the SSB by the SAI, Sonapat in respect of the petitioner which clearly mentioned that the original letter dated 22.09.2011 had not been issued by the SAI. On the basis of these facts, the petitioner was chargesheeted and a Summary Force Court was constituted. On 23.2.2013, the Summary Force Court based upon the petitioner's admission of guilt, found him guilty and as a result he was removed from service. The petitioner's appeal was of no avail and it was rejected by the appellate authority i.e. Director General, SSB.

3. Mr. Chhibber, learned counsel for the petitioner argues that the petitioner has become a victim of circumstances. He relies upon the circumstance that SAI's training to the petitioner was never disputed. It is emphasized that the SSB and several other police organizations do not have adequate training facilities and in some cases were virtually non-existent.

As a result, as and when, there are opportunities for training in the SAI, it is expected that public employees with talent and flair in individual sport would be deployed to SAI for appropriate training. That the petitioner participated in the training session till he was never called back has never been questioned. In these circumstances, the irregularity i.e. regarding the SAI's letter of 22.09.2011 cannot be seen as an infraction of such magnitude as to warrant removal. It is submitted that petitioner was assured that he would be dealt with leniency by the Summary Force Court when he pleaded guilty and as a result he never contested the proceedings.

4. This Court has considered the submission and has also gone through the award. Initial sanction granted to the petitioner which led to his temporary release and participation in SAI was based upon the assumed genuineness of the request made by SAI itself on 22.09.2011. Apparently, this practice is widespread -- no less than 240 employees -- had secured similar, if not identical letters leading to the release by their employers i.e. SSB. In fact, however, SAI apparently never issued that letter. The entire state of affairs came to light due to the fact that one employee never reported to the SAI but had virtually availed of paid leave and avoided duties in the practice of training. When the verification of each letter issued by the SAI was ordered, the so called irregularity, which is not a minor infraction as is sought to be suggested -- came to light. Whatever may be the circumstance in which the petitioner may have been assured leniency, the fact remains that he pleaded to his guilt when charged by the SSB. There may a grain of truth in what the petitioner urges, namely, that the training facilities in SSB are not adequate or upto standards. Nevertheless, that does not mean that public employees can take it upon themselves to either illegally/irregularly secure

release by some method -- in the present case have some official in the SAI unauthorisedly issue a letter leading to release from his employer or worse, fabricate such letter and at the same time say that he actually underwent the training. The sanction to participate in the training session was premised upon the SAI's letter of 22.09.2011. That such letter was never issued or could not have been issued is not in dispute.

4. In these circumstances, this Court is of the opinion that having regard to the totality of the circumstances and particularly, that the petitioner pleaded guilty to the charge, no interference is called for with the penalty which has been apparently confirmed by the appellate authority too as a whole.

5. For the foregoing reasons, there is no merit in the petition and it is therefore dismissed.

**S. RAVINDRA BHAT
(JUDGE)**

**DEEPA SHARMA
(JUDGE)**

JULY 09, 2015

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