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

Decided on : 11.08.2015

+ **W.P.(C) 7564/2015**

ABHIMANYU PANDEY Petitioner
Through: Ms Saahila Lamba, Adv.

versus

UOI AND ORS Respondents
Through: Mr Jagjit Singh, Sr. Standing Counsel
and Ms S. Bajpai and Ms Nisha, Adv.
Mr S.S. Sejwal, Law Officer, CRPF

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

MR. JUSTICE S. RAVINDRA BHAT (OPEN COURT)

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1. Issue notice. Mr Jagjit Singh, Sr. Standing Counsel accepts notice on behalf of the respondents.
2. The petitioner was a candidate for the post of Constable in the Railway Protection Force (RPF) and appeared in the recruitment process in 2011. On 01.10.2014, he was selected in the RPF and was issued an appointment letter. The petitioner had joined the Force and was sent for training when on 04.05.2015 the RPF issued a show-cause notice alleging that he had suppressed information with respect to involvement in a criminal offence, i.e., Crime No.118/2012, recorded in PS Karimuddinpur, Uttar Pradesh. According to the said Crime/FIR, the allegations levelled against

the petitioner were with regard to the commission of offences under Section 147, 148, 504, 506, 352 and 379 IPC. The petitioner denied stating that he was not even aware of these and that he had no occasion to verify such information since police had never visited him nor was there any arrest. On 15.06.2015, the RPF issued the impugned dismissal order which has now been questioned in the present proceedings.

3. The petitioner has placed on record the official report in Crime No.118/2012. The final report clearly indicated that after investigation, the police found that no such incident had occurred. The report was accepted by the Magistrate on 23.11.2013. The order of the Additional Civil Judge-cum-Judicial Magistrate, Mohammadabad, Ghazipur is to the following effect:-

“23.11.2013

Case is called. Complainant of the case is not present. File is perused, from which is clear that Notices were issued to the complainant of the case number of times, but despite this complainant of the case not appeared for filing objection against the Final Report submitted by the Police Station. It appears that complainant has no objection against the allowing of Final Report. There appears no prima facie irregularity in the Final Report submitted after the investigation. Therefore, Final Report No.05/12 filed by the Police Station is allowed. File be consigned to the record room.”

4. From the above narrative, it is evident that the petitioner was never informed about the pendency of the criminal proceedings. In fact, the Magistrate appears to have accepted the Final Report at the investigation stage itself apparently under Section 156(3) of Cr.P.C. initiated at the behest of the complainant. In these circumstances, there is merit and substance in the contention that when the statement was made before the concerned authorities in the RPF that no case was pending and he was not implicated in

any previous case, that declaration was to the best of petitioner's knowledge. Consequently, the impugned order of discharge is hereby quashed. The petitioner is directed to be reinstated in the services of the respondents and be re-inducted into the training of the balance period within four weeks from today.

The writ petition is allowed in above terms.

Dasti.

AUGUST 11, 2015
BG



S. RAVINDRA BHAT
(JUDGE)

DEEPA SHARMA
(JUDGE)