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

+ W.P.(C) 2957/2016

SUNDER SINGH

..... Petitioner

Represented by: Mr.Akhilesh Kumar Pandey,  
Advocate

versus

INSPECTOR GENERAL OF CENTRAL  
INDUSTRIAL SECURITY FORCE

..... Respondent

Represented by: Mr.Prasanta Varma, Sr.Central  
Govt.Counsel with Dr.G.L.Bhatia,  
Govt. Pleader and Mr.Anil Kumar,  
Legal Officer

**CORAM:**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

% **02.08.2016**

1. Having heard learned counsel for the parties we find no merit in the writ petition.
2. Served with a charge memo for having abandoned the duty post for half an hour the petitioner has been found guilty and penalty of reduction in pay by one stage for a period of one year with further direction that during the period of penalty the petitioner will not earn any increment and the reduction will have the effect of postponing the future increment of pay has been inflicted upon the petitioner.
3. As per the charge, the petitioner was deployed for duty from 05:00 hours to 13:00 hours on November 27, 2013 at the main gate of the IOC Campus at Panipat. At about 11:00 hours he was found absent from the duty

post when the Deputy Commandant of the Unit conducted the inspection. The charge sheet made it known to the petitioner that his past conduct, as per service record of 14 minor punishments having been inflicted during five years service would also be taken into account if the charge succeeded.

4. At the inquiry the department examined 4 witnesses. One witness was examined as a court witness. The petitioner examined 4 witnesses in defence.

5. Whereas the defence witnesses tried to explain the petitioner's absence by pleading that stray cattle had entered the precincts of the IOC complex through another gate and the petitioner left the duty post to shoo them away, the prosecution witnesses proved that the petitioner was on a static duty post, meaning thereby, whatever may be the reason the person concerned could not leave the duty post. Further, whereas the prosecution witnesses deposed that the petitioner was found absent for half an hour, the defence witnesses tried to prove that the petitioner abandoned the duty post only for 5 minutes.

6. We have perused the report of the inquiry officer who has given good reasons to find loopholes in the statement of the defence witnesses. Be that as it may, the fact of the matter remains that the prosecution has successfully proved that the petitioner was on duty at a static post. Thus, the petitioner could not have left the place of duty.

7. To bring home the point. Security personnel are deputed at static locations and some are members of a quick response team. If a mishap happens, the person at the static post cannot leave their post. Say, if a planned terrorist attack takes place and the terrorist blast a dummy bomb at a particular gate and all the force personnel abandon their static posts and rush towards the said place, the terrorist would enter from the abandoned duty

posts. The dummy bomb blast would obviously be a play to distract the force personnel. This is the reason why some force personnel are told that the duty post is static and under no circumstances can they abandon the same.

8. The petitioner had no business, assuming cattle had entered the precincts of the complex, to leave the static duty place.

9. For record we note that the inquiry officer has returned a finding that there was no evidence of cattle entering the precincts of the IOC complex. Though there was another gate but the same was locked and cattle could not enter therefrom. Further, the report highlights that the petitioner was on duty at the gate of the main road leading into the IOC complex.

10. Keeping in view the past service record of the petitioner which shows that 14 minor penalties were levied in the 5 years service rendered by the petitioner we find that softer penalties were not having any corrective behaviour by the petitioner and thus the stricter penalty levied is fully justified.

11. The writ petition is dismissed.

12. No costs.

**PRADEEP NANDRAJOG, J.**

**PRATIBHA RANI, J.**

**AUGUST 02, 2016**

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