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

+ W.P.(C) 8120/2016
CHANDAN DEY

..... Petitioner

Through Mr.Dvijendra Kumar Pandey, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr.Dev P. Bhardwa, CGSC with
Mr.Arun Kumar, Govt. Pleader for
UOI.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **13.02.2017**

This hopelessly belated writ petition has been filed, challenging an order dated 4th June, 2002 passed by the Director General, Border Security Force, New Delhi, dismissing the appeal of the petitioner against an order of his dismissal from service. A copy of the impugned order is annexed to the writ petition.

The Director General, Border Security Force, on consideration of the appeal of the petitioner, found

“The issues raised by the petitioner have been considered very carefully in the light of the relevant legal provisions, evidence on record and proceedings of SSFC. It is incorrect that a wrong and false case has been prepared against the petitioner. It is on record that on arraignment, the petitioner pleaded ‘Guilty’ to the charge. He was explained fully as per mandate of Rule 142 (2). A perusal of SSFC proceedings further reveals that the petitioner has pleaded

guilty of the charge at the SSFC. Therefore, in his statement in reference to the charge or in mitigation to the punishment, he submitted in writing that he had committed a big mistake in his 14 years service and requested for pardon”.

The charges against the petitioner are serious. He alleged to have assaulted Senior Officer i.e. Inspector S.L. Pant with a stick in his hand. In the writ petition, it is admitted that the petitioner had reported for duty after consuming alcohol, and had further, consumed alcohol while on duty. It is also admitted he hit his Senior Officer, Inspector Pant with a stick. He, however, set up the alibi of having committed the act under the influence of alcohol and upon provocation. It is pleaded that within a few minutes, the petitioner apologised to the Inspector.

Upon enquiry, the petitioner was held guilty of the charges levelled against him. Having regard to his own admission, it cannot be said that the finding is not based on any evidence at all. No case of any notable, procedural irregularity in conducting the proceedings has been made out. It is not for this Court exercising jurisdiction under Article 226/227 of Constitution of India to sit in appeal over findings of the Inquiry Officer, the Disciplinary Authority or the Appellate Authority. Furthermore, as observed above, this writ petition filed after 13-14 years, is hopelessly belated and the same cannot be entertained.

The writ petition is dismissed.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

FEBRUARY 13, 2017/vp

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