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

+ **W.P.(C) 12237/2016**

HARI BEHERA

..... Petitioner

Through Mr. Girijesh Pandey, Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through Mr. Rakesh Kumar, CGSC with
Mr. D.K.Sharma, Asstt. Commandant

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **17.04.2017**

The petitioner impugns penalty of removal from service passed by the disciplinary authority vide dated 20.1.2014 and the orders dated 23.7.2014 and 21.1.2015 passed in the appeal and revision affirming the penalty.

2. The petitioner was served and proceeded with the memorandum of charge dated 23.8.2013, on the allegations that during subsistence of the first marriage with Devo Priya Behra, he had married Subhadra. The petitioner had a son from the marriage with Devo Priya Behera and another son from the second marriage with Ms. Subhadra. Subhadra who was staying with the petitioner at Vijay

Nagar in Ghaziabad died on 31.3.2013, after suffering burn injuries on 30.3.2013. Thereafter, the factum of the second marriage came to the notice of the respondents as this was withheld and concealed. The aforesaid acts of the petitioner besides being immoral, had sullied the image of the disciplined force and amounted to gross indiscipline. Second marriage is a disqualification in terms of Rule 18 of CISF Rules, 2001.

3. The contention raised is that the second marriage was never accepted and admitted by the petitioner. Devo Priya Behera did not depose in the enquiry proceedings. The petitioner is not well-conversant Hindi and English and did not understand the statement made by him in the enquiry proceedings.

4. We have considered the said contention, but, do not find any merit therein. The fact that the petitioner had got married to Subhadra, and was staying and living with her when Subhadra had suffered burn injuries, and that the petitioner is the father of the child from Subhadra, are proven and established beyond doubt. Statements of PW-1 Mr. Ravinder Dutt (Brother of late Subhadra); PW-2 Smt. Revati Dutt (Mother of late Subhadra) and PW-3 Smt. Savita Nandi

(Mother's sister of late Subhadra) are clear and categorical. Other witnesses, including PW4 Manoj Kumar had deposed that the petitioner was living on rent with Subhadra and his son in this house with effect from July, 2012. Noticeably, the petitioner had initially in the disciplinary proceedings accepted that he had married Subhadra on 20.3.2011, but the second marriage was because of insistence and under pressure from his first wife. The contention of the petitioner that this version was given and recorded as the petitioner did not know Hindi and English, is unacceptable and sham.

5. No other contention is raised and argued.

6. We do not find any reason to interfere with the findings of the disciplinary authority and the appellate authorities. The writ petition is dismissed, with no order as to costs. All pending applications are disposed of in terms of this order.

SANJIV KHANNA, J

ANIL KUMAR CHAWLA, J

APRIL 17, 2017

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