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

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+ **W.P.(C) 1099/2018**

NARAYAN MISHRA

..... Petitioner

Through: Mr Dilip Kumar Jha, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Sangita Rai, SCGC for UOI with
Mr Pradeep Tomar with Inspector
Sanjay Kumar, CISF

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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29.11.2018

1. Notice. Notice is confined to the issue of punishment.
2. The factors that weighed with this Court to request the Second Appellate Authority to re-consider the Appellant's penalty are the following:
 - (i) He has been in service with the CISF since 1988.
 - (ii) His ACRs for 2008 are assessed as 'very good'; ACRs from 2009 to 2012 as 'good'; 2013 'very good'; 2014 and 2015 'good'; and 2016 as 'very good'.
 - (iii) He has received rewards nine times during the entire service.
 - (iv) Although he has been awarded four punishments at the hands of different Administrative Officers, the last punishment was in the year 2001. The last punishment was, therefore, more than 15 years earlier

than the present one.

(v) What has been inflicted upon him admittedly is a major penalty.

3. The Court is of the considered view that given the above factors, the Second Appellate Authority should once again consider whether inflicting a minor penalty upon the Appellant would serve the ends of justice.

4. Consequently, the impugned order dated 26th September, 2017 is hereby set aside. The Petitioner's revision petition is directed to be placed again before the Inspector General, APS for reconsidering the penalty. This exercise be completed within a period of six weeks from today. The order be communicated to the Petitioner not later than two weeks thereafter.

5. If the Petitioner is still aggrieved by the said order, it will be open to him to seek appropriate remedy in accordance with law.

6. The petition is disposed of in above terms.

7. *Dasti* under the signatures of the Court Master.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 29, 2018

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