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

+ W.P.(C) 7803/2018

RAVI KUMAR

..... Petitioner

Through: Mr. Abhishek Sharma, Advocate with
petitioner in person.

versus

DIRECTOR GENERAL CISF AND ORS.

..... Respondents

Through: Mr. B.S. Shukla, Mr. Kamaldeep,
Advocates with Mr. Devendra Singh, AC,CISF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **27.07.2018**

1. The petitioner seeks issuance of a writ of certiorari for quashing an order dated 28.2.2014, passed by the Disciplinary Authority removing him from the service of CISF with immediate effect. He has also sought quashing of the order dated 07.5.2014, passed by the Appellate Authority upholding the order of the Disciplinary Authority. Lastly, the petitioner seeks quashing of a reply dated 12.1.2016, described in the prayer clause, as an order issued by the respondent/CISF in response to his representation dated 28.8.2015, stating *inter alia* that there is no provision of filing an appeal/representation/revision in the CISF Act and Rules, for being considered by the DG, CISF.

2. At the outset, learned counsel for the respondents, who appears on an advance notice states that the petitioner has withheld material information from the court and failed to state anywhere that prior to filing the present petition, he had approach the High Court of Calcutta by filing a writ petition registered as W.P. (C) 27909(W) of 2017, asking for the same relief, as prayed for in prayer clauses (a) and (b) of the present petition. In the memo of parties of the said petition, he had furnished his address as that of Meerut, U.P. and additionally stated that he was presently residing at Daspara Road, Thakurpukur, Kolkata. A copy of the order dated 07.5.2018 passed by the High Court of Calcutta in the captioned writ petition is handed over by learned counsel for the respondents with a copy furnished to the other side. The said order has dismissed the captioned writ petition in default due to non-appearance on behalf of the petitioner.

3. Learned counsel for the respondents contends that despite the fact that the petitioner had already sought similar relief before another Court as he has prayed for in this petition, he has made a patently false averment in para 6 of the present writ petition to the effect that he has not filed any other similar petition either before the High Court, or the Supreme Court of India.

4. When confronted with the above position, learned counsel for the petitioner states that he was informed by his client that he had approached an Advocate in Kolkata for drafting a writ petition and had paid him part fee. Thereafter, he could not pay the balance fee and was not aware of the fact that a writ petition had not only been drafted by the said Advocate, he had filed the same in High Court of Calcutta and that it had been dismissed on 07.5.2018.

5. On enquiring from the petitioner who is present in court as to whether he had sworn an affidavit in support of the said petition drafted by his counsel in Kolkata, he admits having done so. Then the excuse sought to be offered by learned counsel for the petitioner of not stating the correct facts on record is found to be frivolous. We would have expected that at least learned counsel for the petitioner should have shown a sense of responsibility before making such an irresponsible statement that his client was unaware of the filing of a petition in the High Court of Calcutta.

6. At this stage, learned counsel for the petitioner states on instructions that he may be permitted to withdraw the present petition while reserving the right of his client to seek restoration of the earlier petition filed by him before the High Court of Calcutta, which has since been dismissed in default.

7. Leave, as prayed for, is granted. The petition is dismissed as withdrawn.

HIMA KOHLI, J

REKHA PALLI, J

JULY 27, 2018

ap/rkb