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

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W.P.(C) 2040/2019

SHRI SATISH

..... Petitioner

Through: Mr R.S. Mittal, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Rajesh Kumar, Advocate for UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

27.02.2019

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CM 9545/2019 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 2040/2019 & CM 9544/2019 (stay)

2. The Petitioner seeks the setting aside of the dismissal order dated 21st November, 2014, the order dated 13th April, 2015 of the Appellate Authority ('AA') confirming the order of dismissal as well as the order dated 24th May, 2016 of the Revisional Authority, further confirming the said order.

3. The Petitioner states that he was appointed in the CRPF in July, 2003. According to him, while he was posted in Delhi, on 12th March, 2014, he was beaten by the Commandant of the 5th Battalion, CRPF, Malviya Nagar (Respondent No.3) and his associates. However, the charge against the Petitioner was that on 1st June, 2014, the Petitioner did not perform his duty; and misbehaved with the senior officers and colleagues; and mishandled the

weapon issued to him.

4. A departmental enquiry was initiated against the Petitioner was under Section 11 (1) of the CRPF Act, 1949 by Memorandum dated 20th June, 2014. The Enquiry Officer (EO) concluded, on the basis of the evidence led, that the Petitioner is guilty of the charge. The Disciplinary Authority ('DA') concurred with the conclusion of the EO and imposed a penalty of dismissal from service upon the Petitioner. What appears to have weighed with the DA is the conduct of the Petitioner in misbehaving with his seniors and colleagues without provocation and when asked to calm down, attempting to fix the magazine on his rifle without permission of the party Commander.

5. In the appeal, the Petitioner had made some serious allegations against his superiors and other staff. On this an enquiry was conducted by the Commandant, 5th Battalion. The allegations turned out to be entirely baseless.

6. The AA noted that an elaborate enquiry was conducted and statements of 12 prosecution witnesses recorded. The Petitioner had been given ample opportunities to cross examine those witnesses. The Petitioner did not produce any defence witness. The AA was accordingly satisfied about the due compliance with the procedure and therefore confirmed the order of the DA, dismissing the Petitioner from service.

7. The Revisional Authority too has passed a very detailed order noting all the facts and has given reasons for not interfering with orders of the DA and the AA.

8. In the present petition, the Petitioner has failed to explain the inordinate delay in approaching the Court for relief in regard to the above dismissal order. Although the order on revision is passed on 24th May, 2016, the present petition was filed only in 2019. Strangely, the date on the petition is indicated as '21st November, 2017', whereas the affidavit in support thereof is dated 15th February, 2019.

9. The Petitioner has in paragraphs 8, 9 and 10 made serious allegations against the Respondent No.3 about his compelling the Petitioner to give a bribe. He has also purported to enclose some CDs of purported conversations. In paragraph 10 he refers to the complaint made to the Police Station ('PS') Tilak Nagar on 13th June, 2016.

10. The report dated 4th February, 2017 submitted by the SHO of PS Tilak Nagar on the said complaint is enclosed as Annexure-D to the petition. The conclusion therein is that the Petitioner never came to the PS on 24th March, 2014 to lodge any complaint, as alleged by him. The version of the Petitioner about the alleged events of 2014 is termed as a 'completely flimsy story'.

11. In other words, the Petitioner failed to make out even a prima facie case to substantiate the very serious allegations he made against the Respondent No.3 in the present case.

12. The Court is therefore not satisfied that the Petitioner has made out any case for interference with the impugned orders.

13. For all of the aforementioned reasons, the petition is dismissed. The pending application is also disposed of. No costs.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 27, 2019
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