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

+ **W.P.(C) 2216/2019**

SHREEDHARA K. V. Petitioner
Through Mr. S.Nanda Kumar, Mr. Sugam
Kumar Jha & Ms.Deepika Nanda
Kumar, Advocates

versus

UNION OF INDIA AND ORS. Respondents
Through Mr. Rajesh Kumar, Sr.panel counsel
with Mr. Ravi Rai, Advocates for
Respondent/UOI & Mr. Apar Chopra,
GP

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER
% **06.03.2019**

CM Appl.No. 10452/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

WP(C) No. 2216/2019

2. The Petitioner was appointed as a Constable in Central Industrial Security Force (CISF) on 6th July, 2009. Pursuant to a Departmental Inquiry on the charge of deserting the unit from 18th September, 2013 without leave being sanctioned, the penalty of removal from service was initially inflicted by the Disciplinary Authority (DA).

3. The Appellate Authority passed an order dated 28th February, 2014 maintaining the order of the DA. Thereafter, the Petitioner preferred a Revision Petition which was decided by an order dated 4th June, 2014 with the Revisional Authority modifying the punishment as under:

“NOW THEREFORE, in exercise of powers conferred upon me under rule Rule-54 of CISF Rules 2001 re-instate the petitioner in service by reducing the penalty of “Removal from service” to that of “Reduction of pay in respect of the petitioner No. 094380394 Ex-Const. Shreedhara K.V by four (04) stages from Rs.7540/- + G. Pay 2000/- to Rs. 6460/- + G.Pay Rs. 2000/- in the pay band 5200-20,200 +G.P Rs. 2000/- for a period of five (05) years with effect from the date of rejoining duty on re-instatement in service. It is further directed that he will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing his future increments of pay”. No.094380394 Ex-Const. Shreedhara K.V. is hereby directed to report to DIG/NZ-I HQrs, CISF Saket, New Delhi within 15 days of receipt of this order, failing which it will be presumed that he is not interested in service and this offer of re-instatement will be treated as cancelled without any further notice.”

4. Thereafter the Petitioner made yet another representation on 4th July, 2014 stating that his absence from duty was due to circumstances beyond his control and therefore the period of absence should be treated as being on duty. This was rejected by the Director General by reasoned order dated 1st August, 2014.

5. The Petitioner submitted yet another appeal after more than a year thereafter on 14th September, 2015. By a letter dated 11/12th February, 2016 the Petitioner was informed that he had already exhausted all the relevant departmental remedies available to him and therefore his further representation could not be considered.

6. In the present petition, the Petitioner again seeks to challenge the order dated 4th June, 2014 which already stood affirmed by the rejection of the Petitioner's representation against the said order, by the order dated 1st August, 2014. There is no plausible explanation for the Petitioner waiting for more than four years to challenge those orders in the present petition.

7. Apart from this, even on merits, the Court finds that the order dated 4th June, 2014 which substitutes the penalty of removal from service by one of reinstatement, subject to conditions, cannot be said to be disproportionate. It is not unreasonable and does not call for interference.

8. The petition is accordingly dismissed both on the ground of laches as well as on merits.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

MARCH 06, 2019

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