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

+ **W.P.(C) 5423/2019**

BINOD KUMAR SINGH

..... Petitioner

Through: Mr. Sunando Raha, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. Sandeep Kr. Tyagi, adv. with Mr.
Abhishek Khanna, gp

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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15.07.2019

CM APPL. 23778/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 5423/2019

The petitioner has preferred the present writ petition to assail his compulsory retirement vide order dated 12.08.2013 being order No. 2082 issued by respondent no.4. The petitioner was serving as Assistant Sub-Inspector (Fire) and since he has been compulsory retired, he is entitled to all pensionary benefits as per the CCS Pension Rules, 1972. The petitioner

also assails the Appellate order dated 31.12.2013 rejecting his appeal against his compulsory retirement, as well as the order dated 05.11.2014 rejecting his revision. He seeks reinstatement with all consequential and monetary benefits to the post of Assistant Sub-Inspector (Fire), CISF.

Two charges were levelled against the petitioner. The first charge related to an allegation made by the petitioner against his superior i.e. Assistant Commandant (Agni) R.B. Bagaria that the said superior officer demanded Rs.5,000/- as illegal gratification from him. He also alleged that the said superior officer had threatened him that he would send the petitioner either to home or to jail on 02.03.2013. The second allegation was that on several earlier occasions, he was subjected to 11 minor and major acts of indiscipline and misconduct. Despite that, there had been no improvement in the conduct of the petitioner. A detailed enquiry was held by the respondent by appointing an enquiry officer, who found both the charges to be proved and consequently, the disciplinary authority, while accepting the same, subjected the petitioner to the aforesaid penalty. Learned counsel for the petitioner submits that the proceedings against him were held mala fide and pre-meditated.

Firstly, we may observe that there are no serious and specific allegations in that respect. Secondly, in judicial review, it is not for this Court to re-appreciate the evidence and to come to a different conclusion when the respondents have held the inquiry in compliance with the principles of natural justice. The petitioner does not, and cannot, dispute the fact that on 11 earlier occasions relating to minor and major acts of indiscipline and misconduct, he had been subjected to penalty. This, by itself was sufficient to, even otherwise, compulsory retire the petitioner.

The petitioner is entitled to all pensionary benefits and, therefore, in our view, he has not been subjected to any prejudice in view of the aforesaid circumstances.

We find no merit in this petition.

Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 15, 2019

N.Khanna