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

+ W.P.(C) 7328/2019

YOGESH KUMAR

..... Petitioner

Through: Mr. U. Srivastava and Mr. M.K.
Gautam, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Prakash Kumar, Sr. Central Govt.
Counsel and Ms. Akanksha Kaul,
Advocate for respondents No.1 to 4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

11.07.2019

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The petitioner has preferred the present writ petition to assail the order dated 05.12.2017 passed by the Disciplinary Authority inflicting penalty upon the petitioner after conduct of a detailed departmental inquiry. The petitioner also assails the appellate order dated 03.04.2018, whereby his statutory appeal has been rejected and the penalty affirmed.

Four charges were framed against the petitioner in the inquiry. Charges No.I & IV were found to have been proved. These two charges read as follows:

“CHARGE-I.

*Force No. 962330595 Security/GD Yogesh Kumar, CISF Unit,
I.G.I. Airport, New Delhi submitted the false Annual Medical*

investigation report dated 28-09-2015 in the office on 7-10-15, which action is a misconduct committed by him and it was not expected from his being a member of the Security Force, hence the charge.

CHARGE-IV.

Force No. 962330595 Security/GD Yogesh Kumar, CISF Unit, I.G.I. Airport, New Delhi was given punishment five times earlier but he did not improve his conduct and behavior, which exhibited that he is in the habit of committing indiscipline. Being a disciplined member of the CISF, his activities are seen as indiscipline. Hence this charge.”

In respect of the aforesaid Charge No.I, the discussion found in the penalty order dated 05.12.2017 reads as follows:

“After recording the statement of all P.Ws, the P.O. prepared his prosecution brief and submitted same to I.O. The PO has mentioned that in 2015 all staff posted in IGI Airport were asked to take treatment/tests from Dr. Lal Path Lab, New Delhi but the CO has taken his yearly medical examination 2015 from another Hospital and produced the medical papers on 7-10-2015. On examination of the medical papers it was noticed that the form was improperly filled up. Besides, no date under the signature of the Doctor was found. On the page 37 of Health Card there was overwriting and in the Treatment testing form Column S-1 it has been mentioned that CO was on psychic treatment and despite this he was put against Sap-1, The signatures of the Doctor on the Health Card, page 37 and on Annual treatment Form are not matching. To verify the shortcomings observed on page 37 of the Health Card, same was sent to the office of the Inspector General IGI Airport New Delhi, and letter was written to Ansari Hospital, and in reply the Ansari Hospital had issued a letter stating that the CO Yogesh Kumar, in 2015, medical tests were not done in the Ansari Hospital and the treatment report is false. This letter was signed by Dr. Shoib Ansari.”

In the light of the aforesaid finding, the petitioner was subjected to

penalty of reduction of pay by one stage from Rs.33,300 to Rs.32,300 for a period of one year with cumulative effect.

The submission of learned counsel for the petitioner is that the petitioner was not allowed to examine witnesses. We do not find any merit in this submission. It was for the petitioner to produce his defence evidence, which he failed to produce. The evidence led in the inquiry clearly establishes Charges No.I and IV against the petitioner. In judicial review, it is not for this Court to re-appreciate the evidence. We, therefore, find no merit in this petition.

Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 11, 2019

B.S. Rohella