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

+ **W.P.(C) 11196/2018**

EX CONSTABLE SANDEEP KUMAR

..... Petitioner

Through: Mr. Shwetank Sailakwal, Advocate
with Mr. Sandeep Singh, Advocate.

versus

SPECIAL DIRECTOR GENERAL CENTRAL RESERVE POLICE
FORCE AND ORS. Respondents

Through: Mr. Vijay Joshi, Senior Panel Counsel
along with Mr. Deepak Kumar, SI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **05.02.2019**

1. On 16th October 2018, the Court passed the following order:-

“W.P.(C) 11196/2018

1. The petitioner is aggrieved by an order dated 08.6.2016, passed by the Competent Authority awarding the punishment of compulsory retirement which has been upheld by the Appellate Authority vide order dated 17.8.2016 and by the Revisional Authority vide order dated 09.2.2017.

2. We may note that the charge levelled against the petitioner was that he had consumed liquor while on duty, not once but thrice and he had admitted the said fact before the Inquiry Officer. As a consequence of awarding the punishment of compulsory retirement, the petitioner continues to receive a curtailed pension.

3. Having regard to the gravity of the charge against the petitioner, we are *prima facie* of the opinion that the impugned orders do not deserve any interference.

4. Learned counsel for the petitioner states that he may be permitted to obtain instructions from his client as to whether he wishes to press the present petition.

5. At the request of learned counsel for the petitioner, list on 05.2.2019.

2. Today, learned counsel for the Petitioner states that the Petitioner would still like to press the petition.

3. The Court notes that the admitted facts are that the Petitioner joined the Central Reserve Police Force (CRPF) as a Constable in the year 2000.

4. On 2nd January 2016, he was sent for Pre-Induction (P.I) training to JTC, CRPF Nagrota. However, the Petitioner was sent back from the JTC, CRPF Nagrota on 4th January 2016 on charges of consumption of liquor.

5. On the very next date i.e. 5th January 2016, he was again found to have consumed liquor at Headquarters 187 Battalion. He was then sent for a medical check up. The Medical Officer confirmed that the Petitioner was smelling of alcohol. Again, on 15th January 2016, at the Headquarters 187 Battalion, the Petitioner was found to be under the influence of alcohol. This time, the Medical Officer who checked him confirmed that he had consumed alcohol in excessive quantity and was “disoriented to time, person and surrounding” and it was noted that he was hyperactive and using

abusive language which would cause social problems and would also hamper his duties. It is in the above background that the Petitioner was proceeded against by serving of the memorandum of charges followed by departmental enquiry.

6. The culmination of the inquiry was the award of the punishment of compulsory retirement. This was done by the order dated 8th June 2016 of the departmental authority i.e. the Commandant, 187 Battalion CRPF, BB Camp, Udhampur (Jammu & Kashmir).

7. The Petitioner's appeal was rejected by the Deputy Inspector General, CRPF on 17th August 2016. The further revision petition of the Petitioner was rejected on 9th February 2017 by Inspector General, CRPF, Northern Sector. This was followed by yet another appeal by the Petitioner to the Special Director General which was rejected on 20th September 2017.

8. Learned counsel for the Petitioner has taken the Court through the memorandum of charges and the findings of the Inquiry Officer. The Court has also perused each of the orders rejecting the Petitioner's appeal, revision petition and then the further appeal.

9. Learned counsel for the Petitioner is unable to point out any factual error committed in any of these orders. There is also no complaint by the Petitioner of any violation of any of the procedural rules in conduct of the inquiry.

10. As regards the proportionality of the punishment, the fact that the Petitioner in a span of one month was found to be under the influence of alcohol thrice is indeed a case of serious misconduct. It is noted in the order of the Revisional Authority that the doctor who examined the Petitioner on the third occasion had advised, in his report dated 15th January 2016 that the Petitioner should undergo alcohol rehabilitation. However, the Petitioner did not show any willingness for that option and therefore deprived himself of a chance to get rehabilitated properly.

11. In the circumstances, the Court does not find the punishment of compulsory retirement awarded to the Petitioner to be disproportionate.

12. Consequently, both as regards the guilt of the Petitioner for the misconduct he was charged with and as regards the quantum of punishment, the impugned orders do not call for any interference.

13. The writ petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 05, 2019/ss