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

+ **W.P.(C) 6925/2017 and CM APPL. 28776/2017 (stay)**

CHATTAR SINGH

..... Petitioner

Through: Mr.Shanker Raju and Mr.Nilansh
Gaur, Advocates.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Ms.Mrinalini Sen and Ms.Kritika
Gupta, Advocates with Inspector
Sanjay Kumar for R-1 and 2.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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06.11.2019

1. This is the second round of litigation involving the Petitioner questioning the termination of his services from the Central Industrial Security Force (CISF) which he joined as Sub-Inspector (EXE) in 2011.

2. While the Petitioner was posted at CISF Unit ASG Bombay, the complaint was received from a foreign national, a resident of Netherlands, in writing that the Petitioner while checking her documents as she was entering the gate No.6 of the international airport at Mumbai, touched her inappropriately. The statement of the Petitioner was recorded on the very same day, i.e. 25th May, 2014. In the said statement, the Petitioner admitted to having touched the complainant but denied that it was inappropriate.

3. On the basis of the CCTV footages from two angles, i.e. from inside the airport and one from outside, near the gate, the Respondents concluded that the conduct of the Petitioner was unbecoming. Rule 39 (2) of the CISF Rules, 2001 was invoked to dispense with the departmental enquiry. On the basis of the preliminary enquiry, an order was passed on 25th May, 2014 itself removing the Petitioner from service.

4. This order was challenged before this Court by the Petitioner by filing Writ Petition (Civil) 8026/2015. The said writ petition came to be disposed of on 24th August, 2015 by the issue of direction to the Respondents to issue an order under FR 54 B for the purposes of a limited enquiry to be conducted by providing the Petitioner with the CCTV footages and considering his explanation.

5. Pursuant to the above order, the CCTV footages were provided to the Petitioner and his explanation by letter dated 7th November, 2015 was also considered. This time he denied having touched her and claimed that he was maintaining a safe distance.

6. The Disciplinary Authority (DA) passed an order on 18th November, 2015 reiterating that the Petitioner had committed a serious misconduct unbecoming of the member of the CISF. The DA proceeded to award the Petitioner the penalty of removal from service with the immediate effect which shall not be a disqualification of future employment in the Government.

7. The Appellate Authority dismissed the Petitioner's appeal by an order dated 4th April, 2016. The Revisionary Authority dismissed the revision petition on 18th November, 2016. Thereafter, the present petition has been filed.

8. This Court has heard the submissions of learned counsel for the parties. It has also viewed the two CCTV footages of the incident.

9. Although, it was earnestly pleaded that Mr. Shankar Raju, learned counsel appearing for the Petitioner, that the video footages bear out the contention of the Petitioner that he, in fact, never touched the foreign national entering the airport, this Court is unable to agree with the submission. When both footages are viewed collectively, it is clear that the Petitioner who was initially standing to the right of the passenger, consciously shifted to her left while purporting to examine her papers whereas with all passengers who passed through the door earlier, he remained standing to their right. There was no need for the Petitioner to have moved to the other side at all. The footages further show that the Petitioner made a deliberate move towards the passenger while purporting to check the papers. It can be seen clearly that when in that process the Petitioner's hand touched her. Her jumping back instantly is an indicator that he touched her inappropriately.

10. Mr. Raju then argued that the punishment awarded to the Petitioner was disproportionate to the alleged misconduct. Here again, the Court is unable to agree. The conduct of members of a disciplined force like the CISF is

critical to the image of the entire CISF, particularly when dealing with the public at an airport with visitors from all over the world. Maintaining the highest standards at these points of entry into the country, where a foreigner is likely to have the first impressions of the country and its security forces, is of critical importance. In the circumstances, the punishment awarded to the Petitioner cannot be viewed as disproportionate.

11. Accordingly, the petition along with application are dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 06, 2019

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