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

+ **W.P. (C) 5022/2020**

PARDEEP KUMAR SHARMA Petitioner
Through: **Mr. Prabodha Kumar Agarwal,**
Advocate.

versus

PR. CHIEF SECURITY COMMISSIONER,
RPF & ANR. Respondents
Through: **None.**

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Date of Decision: 06th August, 2020

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

MANMOHAN, J: (Oral)

CM APPL. 18086/2020 & CM APPL. 18087/2020

Allowed, subject to all just exceptions.

W.P. (C) 5022/2020 & CM APPL. 18085/2020

1. The petition has been listed before this Bench by the Registry in view of the urgency expressed therein. The same has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the suspension order dated 05th July, 2020 and charge-sheets dated 09th July, 2020 and 10th July, 2020 issued by respondent No.2. Petitioner also prays for a declaration that

the impugned orders passed by respondent No.2 be declared as illegal and invalid.

3. Learned counsel for petitioner submits that the charges in both the charge-sheets are so vague that the petitioner cannot defend himself and there is no evidence to support the charges. He further submits that the impugned suspension order is violative of Rule 135 of the Railway Protection Force Rules, 1987. He also states that the impugned orders are liable to be quashed as respondent No. 2 is alleged to be biased against the petitioner. In support of his submission, he relies upon a judgment of the Supreme Court in *State of Punjab vs. V.K. Khanna & Ors., (2001) 2 SCC 330*

4. However, a perusal of the first charge-sheet reveals that serious allegations of increase in unauthorized construction and encroachment as well as illegal parking during the petitioner's tenure at Patel Nagar have been made. Naturally, the onus would be on the department to prove the said charge-sheet.

5. Further, the allegation in the second charge-sheet that the petitioner had not taken any action despite the theft report having been lodged with him, is not a vague allegation.

6. The petitioner's contention that issuance of two charge-sheets is vitiated by malice and respondent No. 2 is biased against the petitioner is not prima facie borne out from the record. The petitioner's submission that the suspension order is violative of Rule 135 of the Railway Protection Force Rules, 1987, is misconceived on facts as charge-sheets have already been issued.

7. The judgment of the Supreme Court in *State of Punjab vs. V.K. Khanna & Ors.* (supra) is inapplicable to the present case inasmuch as in the said case the actions of the petitioner in handing over the investigations to the CBI against two other officers was made the basis for issuance of departmental charge-sheet – which is not the case in the present instance.

8. Accordingly, the present writ petition and application being bereft of merits are dismissed. Needless to state that the findings recorded herein are only for the purposes of deciding the present writ petition. Nothing stated in the present order would prejudice either of the parties in the departmental enquiry.

9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

AUGUST 06, 2020
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