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

+ W.P.(C) 345/2021 & CM APPL.900/2021

MANOJ KUMAR SHARMA Petitioner

Through: Mr.Wattan Sharma, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr.G.D.Sharma, Advocate.

% Date of Decision: 11th January, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the order of dismissal dated 28th February, 2013 as well as the order dated 26th November, 2013 insofar as it relates to the petitioner. Petitioner also prays for a direction to the respondents to reinstate him in service by restoring his seniority, and to grant him all consequential benefits as well as reconsider the petitioner's case sympathetically.
3. Learned counsel for the petitioner states that the punishment imposed upon the petitioner is too harsh and calls for interference by this Court. He states that the respondents are not considering the representations of the

petitioner on account of the judgment of this Court in ***Surender Negi Vs. Union of India & Ors.*** in WP(C) 5683/2015, whereby this Court dismissed similarly placed constable's petition.

4. Having perused the paper book, this Court finds that the case of the petitioner is identical to the case decided by another Division Bench in ***Surender Negi Vs. Union of India & Ors. (supra)***. The relevant portion of the said judgment is reproduced hereinbelow:-

“4. This Court has considered the submission and has also gone through the award. Initial sanction granted to the petitioner which led to his temporary release and participation in SAI was based upon the assumed genuineness of the request made by SAI itself on 22.09.2011. Apparently, this practice is widespread -- no less than 240 employees -- had secured similar, if not identical letters leading to the release by their employers i.e. SSB. In fact, however, SAI apparently never issued that letter. The entire state of affairs came to light due to the fact that one employee never reported to the SAI but had virtually availed of paid leave and avoided duties in the practice of training. When the verification of each letter issued by the SAI was ordered, the so called irregularity, which is not a minor infraction as is sought to be suggested -- came to light. Whatever may be the circumstance in which the petitioner may have been assured leniency, the fact remains that he pleaded to his guilt when charged by the SSB. There may a grain of truth in what the petitioner urges, namely, that the training facilities in SSB are not adequate or upto standards. Nevertheless, that does not mean that public employees can take it upon themselves to either illegally/irregularly secure release by some method -- in the present case have some official in the SAI unauthorisedly issue a letter leading to release from his employer or worse, fabricate such letter and at the same time say that he actually underwent the training. The sanction to participate in the training session was premised upon the SAI's letter of 22.09.2011. That such letter was never issued or could not have been issued is not in dispute.”

4. In these circumstances, this Court is of the opinion that having regard to the totality of the circumstances and particularly, that the petitioner pleaded guilty to the charge, no interference is called for with the penalty which has been apparently confirmed by the appellate authority too as a whole.

5. For the foregoing reasons, there is no merit in the petition and it is therefore dismissed.”

(emphasis supplied)

5. Keeping in view the aforesaid reasoning in an identical matter, the present writ petition is also dismissed along with pending application.

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

MANMOHAN, J

ASHA MENON, J

**JANUARY 11, 2021
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