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

+ **W.P.(C) 4163/2021**

EX CONST BAJRANG LAL

..... Petitioner

Through: **Mr. Anil Kumar Trivedi, Mr. Naveen Kumar, Advocates**

versus

UNION OF INDIA AND ORS

..... Respondents

Through: **Mr. Jagjit Singh, Mr. Jeevesh Tiwari, Ms. Rupali Kapoor, Advocates for respondent**

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Date of Decision: 5th April, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

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MANMOHAN, J (Oral):

1. Present writ petition has been filed challenging the order of removal from service dated 29th December, 2019 and order dated 04th June, 2020. Petitioner also seeks directions to the Respondents to re-instate the petitioner in service with all consequential benefits accruing therefrom.
2. Learned Counsel for the petitioner states that the Petitioner, a Constable/GD with the CISF, was removed from service vide order dated 29th December, 2019 on the charge of producing a “false and fabricated” OBC certificate.
3. Learned Counsel for the Petitioner submits that the Petitioner was recruited on the basis of caste certificate dated 30th March 2017 and not on the basis of certificate dated 18th May, 2016. He, however, states that the

inquiry officer without considering this and without verifying the correctness of the OBC certificate dated 30th March, 2017 submitted his report to prove the alleged charge against the petitioner.

4. Learned Counsel for the Petitioner also states that the Petitioner has filed a statutory petition dated 14th September, 2020 to the Director General, CISF, New Delhi, which has not been decided till date.

5. Issue notice.

6. Mr. Jagjit Singh, Advocate accepts notice on behalf of the Respondents. He vehemently disputes the contentions advanced by the learned counsel for the Petitioner. He further states that the statutory petition filed by the Petitioner is not maintainable as a revision petition alone is maintainable.

7. Since it is settled law that nomenclature of a petition is not relevant, this Court disposes of the present writ petition and pending applications with a direction to the Respondent No.2 to treat the petitioner's statutory petition dated 14th September 2020 as a revision petition and to decide the same by way of a reasoned order in accordance with law within six weeks.

8. This Court clarifies that it has not expressed any opinion on the merit of the controversy. All the rights and contentions of the parties are left open.

MANMOHAN, J

ASHA MENON, J

APRIL 05, 2021
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