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

+ **W.P.(C) 10339/2021 & CM APPL. 31833-31834/2021**

R C S PANWAR

..... Petitioner

Through **Mr. Nikhil Bhardwaj, Adv.**

versus

UNION OF INDIA AND ORS

..... Respondents

Through **Mr. PS Singh, Adv.**

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Date of Decision: 16th September, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

The hearing has been done by way of video conferencing.

1. Present writ petition has been filed challenging the order dated 09th June 2021 vide which penalty of “reduction to one stage lower in the time scale of pay for a period of one year without cumulative effect and not adversely affecting his pension” was imposed upon the petitioner. Petitioner also seeks a direction to the Respondents to grant ‘Senior Time Scale’ along with interest @ 8% from the date the Petitioner becomes eligible.

2. Learned counsel for the Petitioner states that vide chargesheet dated 18th August 2019, the Respondents initiated minor penalty proceedings against the Petitioner inter alia on the charge that the Petitioner while functioning as Assistant Commandant (Min) in the office of DIG (Ops) CRPF Dantewada (Chhattisgarh) committed a serious act of misconduct by circulating an audio clip of personal audience of DG, CRPF in social media through Whatsapp and the said audio clip had become viral on social media.

3. He states that subsequently, the Petitioner filed his reply clarifying that he had shared the audio clips with a bonafide intention of helping his colleagues/force personnel by raising issues of general welfare and public interest.

4. Learned counsel for the petitioner states that on 03rd November 2018, the Preliminary Enquiry Officer concluded his investigation holding that the Petitioner is not guilty of misconduct. He points out that on 09th February 2019, the DIG CRPF also recommended a lenient view to be taken in the Petitioner's case and thereafter, the matter was sent to the UPSC for its advice. He states that on 29th January 2021, the UPSC recommended that the penalty of "reduction to one stage lower in the time scale of pay for a period of one year without cumulative effect and not adversely affecting his pension" be imposed upon the petitioner.

5. He emphasises that on 10th February 2021, the Petitioner became entitled for grant of Senior Time Scale but because of the impugned penalty order, he has not been granted the same.

6. Having heard learned counsel for the petitioner, this Court is of the view that recording an official conversation with the DG BSF and that too without his consent is a misdemeanor which cannot be condoned lightly. Admittedly, the recording was done on the 'sly'. The petitioner conduct to say the least was not appropriate.

7. In any event, this Court is concerned with the decision making process and not the decision. In the present case we find that the petitioner had been given adequate opportunity and the matter had been discussed threadbare at different levels both in the CRPF as well as with the UPSC.

8. Consequently, this Court finds no reason to interfere with the impugned decision. Accordingly, the present writ petition along with pending applications is dismissed.

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

NAVIN CHAWLA, J

SEPTEMBER 16, 2021

AS