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

+ **W.P. (C) 12632/2021 & C.M.No.39748/2021**

SATYA PRAKASH SINGH

.....Petitioner

Through: **Mr.Shiv Gaur with Mr.Ajay Pratap,**
Advocates.

Versus

CENTRAL RESERVE POLICE FORCE (CRPF) & ORS.

.....Respondents

Through: **Mr.Rajesh Gogna, CGSC.**

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Date of Decision: 11th November, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE AMIT BANSAL

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petition has been filed challenging the enquiry report dated 22nd September, 2021 and for conducting a fresh and fair enquiry against the Petitioner as also to provide medical treatment to the petitioner till he becomes fit to join duty. Petitioner also challenges the recovery made vide Departmental Letter dated 6th October, 2021. Petitioner further seeks directions to the Respondents to give salaries for the months of December 2020, January 2021, February 2021, and June, 2021 along with arrears of HRA.

2. Learned counsel for the Petitioner states that the Petitioner, who is a constable CT/GD in the CRPF was undergoing treatment for Spondylolisthesis and was given rest till 24th December, 2020. He, however, states that the Petitioner received a letter dated 12th December, 2020, whereby he was ordered to join 11th BN Jharkhand immediately which the Petitioner did not follow since the treatment was still continuing. He further states that the Petitioner was not allowed to go to Delhi to get further treatment and the Respondents also did not release the Petitioner's salary. He also contends that the respondents illegally initiated a false inquiry and also made a false and adverse report dated 22nd September, 2021 against the petitioner.

3. He further states that respondent no.4 office issued the impugned letter dated 6th October, 2021 in which an order of recovery of Rs.7,15,887/- was issued against the Petitioner and the salary of December 2020, January 2021, February 2021 and June 2021 along with HRA has been adjusted in the said recovery on the ground that the petitioner was under medical treatment and had proceeded on rest and is therefore not liable for payment of salary.

4. A perusal of the paper book reveals that the Department/CRPF has levelled many serious allegations against the Petitioner. It is alleged that the Petitioner presented his health card, issued by CRPF, in a damaged state as the health card was broken into many pieces. It is further alleged that the Petitioner misled the office while getting himself treated at BMCC and Safdarjung Hospital, New Delhi, by tampering with the dates and documents.

5. This Court also finds that the Petitioner has indulged in many indisciplinary acts during his deployment in Battalion despite being given adequate opportunities to improve. Some of the punishments given to the Petitioner, which have attained finality, are reproduced hereinbelow:-

Sr. No.	Unit	Acts did by the Personnel	The punishment was given to the accused/Personnel
1.	70 Battalion	Being absent in the marker on 24/12/2013	Commandant-70 Battalion gave a warning letter vide his letter no.P.8.01/13- Dt/70 dated 02/01/2014.
2.	70 Battalion	To be found absent in sentry duty in Kot guard on 16/06/2014.	Samvay Officer A/70 issued a warning letter dated 17/06/2014 through letter no.P.8.1/2014-A/70
3.	70 Battalion	To be found absent in sentry duty in Kot guard on 05/10/2014.	Samvay Officer A/70 issued a warning letter dated 06/10/2014 through letter no.P.8.1/2014-A/70
4.	70 Battalion	Called to his office by the Commandant of 70 Battalion on 21/10/2016. But you left for your home.	Adjutant 70 Battalion gave an advice letter through their letter No.P8 01/2016- Adju-70 dated 07/11/2016.
5.	70 Battalion	After night counting on 27/10/2016, it was being searched to inform that you have to go for treatment on 28/10/2016 at Composite Hospital, New Delhi, but you went to your home without the permission of the competent authority.	Adjutant 70 Battalion gave an advice letter through their letter No. P8 01/2016- Adju-70 dated 07/11/2016.
6.	70 Battalion	No duty was done for about 09 months in the year 2016 on the pretext of various diseases.	Adjutant 70 Battalion gave an advice letter through their letter No. P8 01/2016- Adju-70 dated 20/12/2016.
7.	70 Battalion	Was admitted to Composite Hospital, New Delhi from	Adjutant 70 Battalion has been given an advice letter in its

		29/10/16 to 04/11/18 due to a complaint of back pain. But no disease of any kind was found. Apart from this, refused to take an operation order from 70 Battalion on 21/01/2017 in order to relieve 11 Battalion and tried to register FIR regarding non-availability of leave at Police Station, Bawana, New Delhi, Delhi.	letter No. P8 01/2016- Adju-70 dated 22/01/2017.
8.	11 Battalion	Wrong information (No child) was given to DIG (Establishment) Directorate General of Police, CRPF New Delhi for getting his transfer dated 12/07/2018.	According to the office order number P.8.04/2019-11-Estt.2 dated 19/09/20 of this office, the punishment was given to stop the annual increment for two years without cumulative effect.
9.	11 Battalion	Wrong information was given by the personnel for the drawing house rent allowance of New Delhi.	The warning letter was provided under this office's letter no. 8.17/2019-11-Estt 2 dated 13/02/20.

6. From the aforesaid facts, it is apparent that the Petitioner is a habitual offender and the present writ petition is not of such a nature that warrants this Court's interference at the interim stage.

7. This Court is also of the view that, at this stage, only an enquiry report has been furnished to the petitioner and the disciplinary authority is yet to take a view with regard to enquiry report. Even with regard to deduction of salaries, the petitioner will have sufficient opportunity to raise its grievances. It is settled law that the Court cannot interfere in the disciplinary/inquiry proceedings at the interim stage. [See: *State of Uttar*

Pradesh Vs. Brahm Datt Sharma & Anr, (1987) 2 SCC 179, Para 09].

Consequently, this Court is of the view that the present writ petition is premature. Accordingly, the present writ petition along with pending applications is dismissed.

MANMOHAN, J

AMIT BANSAL, J

**NOVEMBER 11, 2021
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