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

% ***Date of decision: October 06, 2022***

+ W.P.(C) 14171/2022 & CM Nos. 43272/2022 & 43273/2022

BHAMBHI JAGDISH BHAI Petitioner
Through: Mr. Shukla Rudrashish Bhardwaj,
Advocate

Versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Tanveer Ahmad Ansari, Senior
Panel Counsel for UOI
Sub Inspector Prahlad Devenda, CISF

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. The present petition has been preferred by the petitioner seeking quashing of order dated 25.03.2021 passed by the respondents, whereby he has been dismissed from service and since the appeal preferred against thereof is still pending, a prayer is made to issue a writ of certiorari to reinstate him in service from the said date.
2. Notice issued.
3. Mr. Tanveer Ahmed Ansari, learned Senior Panel Counsel, appearing on behalf of respondents accepts notice and has placed before this Court a copy of Order bearing No.V-11014/CISF/SES/LC/Revision-20(BJBHAI)/2021/9478 dated 11.08.2022 passed by Office of the Inspector



General, Central Industrial Security Force, Ministry of Home Affairs, whereby petitioner' appeal has been decided.

4. The relevant paras of the aforesaid Order dated 11.08.2022 read as under:-

“6. NOW THEREFORE, after going through the case files of the petitioner and taking into consideration the totality of the fact and circumstances of the case, medical documents including MRI report of this daughter who has been suffering from Hemiparesis, produced by the petitioner, length of service rendered by the petitioner, I found that the penalty imposed upon him is harsh and thus, take a lenient view and exercising the powers conferred upon me Under Rule-54 of CISF Rules, 2001, reduce the punishment of “Dismissal from service” to that of “Reduction of pay to the lowest stage i.e. Rs.24,500/- in the Pay Matrix level-3 (Rs.21,700/- - Rs.69,100/-) for period of -1 (one) year. It is further directed that he will not earn increment of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increment of pay” to meet the ends of justice. Accordingly, the revision petition dated 06.10.2021 submitted by the petitioner is hereby disposed of.

7. Now, I also hereby re-instate No. 130713302 Ex- CT (GD) Bhambhi Jagdish Bhai formerly of CISF Unit, NALCO Damanjodi in service by giving him an opportunity to serve the Force and the Nation with loyalty, commitment and dedication and direct him to report for duty at CISF Unit NALCO Damanjodi within 15 days of receipt of this order, failing which, it will be presumed that he is no more interested in service and order of re-instatement in service shall be treated as withdrawn.

8. Further, on re-instatement, the penalty stands modified to the above extent and the entire period of absence of the petitioner from 26.09.2020 and from 25.03.2021 (i.e. the



date of “Dismissal from Service”) to the date of re-joining on re-instatement will be regularized separately as per rule”.

5. Pursuant thereto, an Order bearing No. B-15014/के औसुब/ नालको (दा)/ अनु/ USO/2022 dated 09.09.2022 has been issued by the Office of the Commandant, Central Industrial Security Force (Ministry of Home Affairs), in the name of petitioner, whereby he has been directed to be reinstated in service in terms of aforesaid order dated 11.08.2022.

6. In view of the above, the relief sought in the present petition seeking a direction to respondent to decide petitioner's appeal as well as reinstate him in service, stands satisfied and nothing remains for consideration by this Court.

7. The present petition and pending applications are accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

OCTOBER 06, 2022

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