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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: September 15, 2022

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W.P.(C) 12455/2019

PALWINDER SINGH

..... Petitioner

Through: Mr. Ranjan Mukherjee, Advocate

versus

THE UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Vijay Joshi and Mr. Gurjas Singh
Narula, Advocates with Mr. Sanjay
Kumar, SI, 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 case of the petitioner is that the respondents failed to examine the complainant and the petitioner has filed the present writ petition seeking the following reliefs:-

(a) Issuance of a writ of and or in the nature of writ of certiorari upon the respondents to show cause why the revisional order dated 21.06.2019 passed by Respondent Inspector General /APS-11 CISF APS-11 HQRS, Bangalore; appellate order dated 11.12.2018 passed by respondent Deputy Inspector General/AP-SZ, CISF Chennai ; and order dated 25.09.2018 imposing penalty of "Removal from Service" passed by Commandant, CISF Unit ASG Hyderabad be not quashed and or \cancelled and upon return of rule nisi and after hearing both parties make the rule nisi absolute as against the respondents and quash^ and or cancel the revisional order dated 21.06.2019 passed by Respondent Inspector General /APS-11 CISF APS-11



HQRS, Bangalore being Annexure-P/1 to the writ petition ; appellate order dated 11.12.2018 passed by respondent Deputy Inspector General/AP-SZ, CISF Chennai being Annexure-P/2 to the writ petition; and order dated 25.09.2018 imposing penalty of "Removal from Service" passed by Commandant, CISF Unit ASG Hyderabad being Annexure-P/3 to the writ petition;

(b) And further the petitioner prays for the consequential relief of reinstatement in services along with notional seniority in his rank alongwith benefits and emoluments and wages and allowance to the petitioner;

(c) Petitioner also prays for an interim prayer staying the operation of the impugned orders dated 21.06.2019, 11.12.2018 and 25.09.2018 being (Annexures P-1, P-2 & P-3 respectively) passed by respondent Nos. 3,5 and 6 to the writ petition.

(d) Pass any other or further order and orders may deem fit and proper in the facts and circumstances of the case.

2. The petitioner has challenged the revisional order dated 21.06.2019 contending that the respondents failed to examine the complainant; that the Enquiry Officer held the disciplinary proceedings in violation of principles of natural justice; that the complainant refused to peruse his complaint; that the petitioner did not get any opportunity to cross-examine the complainant; that the petitioner studied till his matriculation as a private student and that the Enquiry Officer refused to provide the copy of the statement of PWs.
3. Perusal of the order sheet reveals that vide order dated 03.07.2019,



this court had directed the respondents to keep the entire enquiry record ready for its perusal. The same has been produced today.

4. Upon going through the same, this court finds that as elaborated in the foregoing paras, the petitioner was given due opportunity to cross-examine the complainant and the Enquiry Officer refused to issue the preliminary Enquiry Report citing that it had no relevance to the departmental enquiry.

5. We further find that upon receipt of a complaint dated 27.07.2017, wherein the petitioner was alleged to have joined on the basis of forged document, the veracity of matriculation certificate having roll No.553214 and serial No.103782 had been verified from Punjab School Education Board, Mohali, Chandigarh. Thereafter, the Punjab School Education Board, Mohali informed vide their letter dated 18.01.2018 said that "*According to the attested copy of PSEB Gazette, Roll No.553214 has not been issued to any student. So, the certificate is bogus/fake and it has not been issued by PSEB*". In this regard, the Departmental Enquiry was initiated and the appellant was given all opportunities to defend his case, in which the enquiry team viz., the Enquiry Officer, the appellant and the Presenting Officer went to the office of Punjab School Education Board, Mohali, Chandigarh on 07.07.2018. As stated before, the Enquiry Officer examined



Shri Aamarinderjit Singh, Dealing Assistant, Section V-4, Verification Department, PSEB, Mohali, Chandigarh as PW-1 on 09.07.2018 in presence of the appellant and the Presenting Officer. The deposition given by PW-1 had been verified and certified by the Section Superintendent on the same day in presence of the appellant. Opportunity was also given to the appellant to cross-examine these Government officials, but the appellant declined to do cross-examination. The Disciplinary Authority on the basis of facts and circumstances as explained above, had agreed with the findings of the Enquiry Officer with reference to Article of Charge and was of the opinion that the Article of Charge framed against the charged official stood proved beyond doubt. The above evidence was found enough to substantiate the article of the charge levelled against the appellant. The Disciplinary Authority had rightly analyzed and proved the article of the charge by issuing a disagreement note to the appellant.

6. Further, though all the listed documents had already been served to the petitioner, however, the petitioner had requested copies of some documents, which were promptly addressed by Enquiry Officer vide letter dated 04.06.2018 and letter No.399 dated 30.07.2018, suitably explaining the reasons as to why the requisite documents had not been served, as they



did not have any relevance with the article of charge framed against him. Hence, the plea of the petitioner was found untenable.

7. Further, PW-1 in his deposition had confirmed that the certificate with Sl.No.103782 was bogus/fake as the Roll No.553214 had not been allotted to any candidate in the year March, 1985. PW-2 had deposed that the petitioner had produced matriculation certificate from PSEB with Sl.No.103782, Roll No.553214 in support of his educational qualification and also stated that the petitioner in his attestation form had claimed that, he had studied matriculation from Govt. High School, Sarhali, Amritsar, Punjab whereas in the revision petition the petitioner claimed to have studied matriculation as a private student, which is contradictory to the certificate he had produced. Further, despite several opportunities in the enquiry to produce any documents or witness to disprove the charge against him, the petitioner failed to produce anything in support of his version.

8. Also the detailed enquiry report dated 21.08.2018 was passed by the Enquiry Officer after due consideration of all the above. Similarly, the Deputy Inspector General/AP-SZ, CISF, Chennai, confirmed the penalty and rejected the application of the petitioner vide order dated 11.12.2018 after due consideration. Further, the Inspector General/APS-11 CISF APS-11



HQRS, Bangalore also passed the revisional order dated 21.06.2019 after due consideration.

9. In view of the aforesaid, we find that the petitioner has no case on merits and there is no reason for us to issue notice in the present petition. Accordingly, we dismiss the present petition.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 15, 2022
Ashok

