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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 27th April, 2023

+ W.P.(C) 2062/2021, CM APPL. 6044/2021

MANORANJAN BAISHYA

..... Petitioner

Through: Mr. Vishwendra Verma, Advocate.
versus

CENTRAL INDUSTRIAL SECURITY FORCE AND ORS.

..... Respondents

Through: Ms. Anju Gupta and Mr. Roshan Lal
Goel, Advocates with Insp. Sanjay
Kumar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 6045/2021 (Seeking Exemption)

1. The application is allowed, with a direction to the applicant to file requisite legible copies of documents and annexures within four weeks.
2. The application is accordingly disposed of.

W.P.(C) 2062/2021

3. A Writ Petition under Article 226 and 227 of the Constitution of India has been filed by the petitioner seeking following reliefs :

“ It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased set aside the Order dated 04.03.2020 passed by the Revision Authority i.e. Respondent No. 2 along with the Order dated 03.07.2019 passed by the Appellate Authority and also set

*aside the Final Order dated 18.03.2019 whereby the petitioner was removed from the service with all consequential benefits in the interest of justice;
To grant any other and further relief as deemed fit and proper in the interest of justice.”*

4. The present petition came up for hearing on 21.07.2022 and the learned counsel appearing on behalf of the petitioner had submitted that complaints dated 15.08.2018 and 16.08.2018 were not signed by the complainant. Learned counsel further submitted that the complainant be called before this Court to append her signatures and if the same match, he would withdraw his petition and will be out of the Court. Consequently, the respondents were directed to produce the complainant in the Court on the next date of hearing and the matter was directed to be posted on 30.08.2022.

5. However, the respondents moved an application CMM APPL.35583/2022 whereby sought direction to summon the complainant Mrs. Nirmala Chettri for 30.08.2022 before this Court in compliance of Order dated 21.07.2022 passed by this Court.

6. The said application was listed before this Court on 17.08.2022 and observed as under :

“3. Though it is stated in the present application that the complainant was working privately and she is not an employee of the respondents, however, the officials of the respondents tried their level best to seek the presence of complainant for 30.08.2022. Besides that the respondents and their officials do not have any authority to make the complainant bound to appear before the Court on the said date.

4. Since this Court has two contact numbers of complainant, i.e. 8597067245 & 8757048488, and today, in open Court on directions of Court, learned counsel for

respondents made a call on her one number 8597067245 and she has responded.

5. Thus, it seems that the respondents have not made any effort to contact the complainant for producing her on 30.08.2022 before this Court as per earlier directions of this Court.

6. Accordingly, respondents are directed to produce the complainant on 30.08.2022, i.e. the date already fixed, and the expenses of lodging and boarding of complainant shall be borne by the respondents."

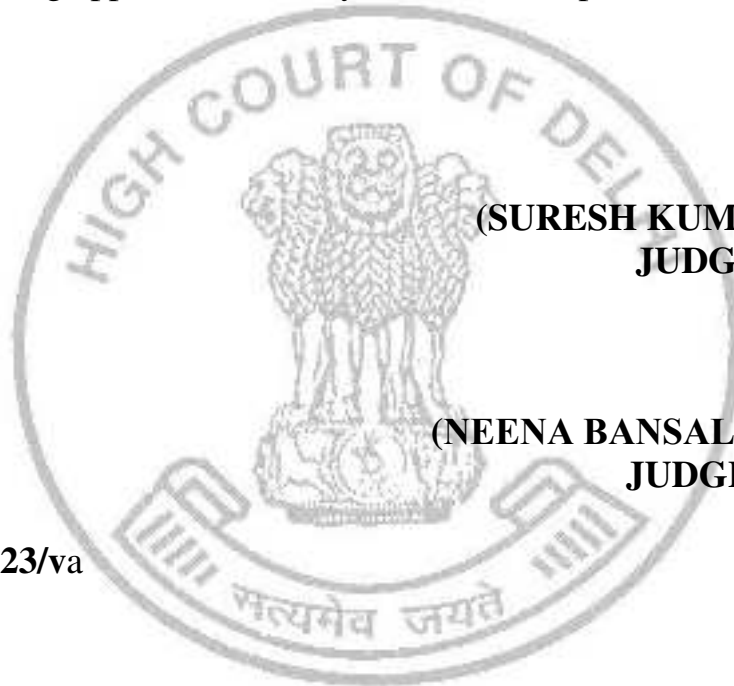
7. Thereafter, the matter was taken up on 30.08.2022 date already fixed. On the said date the complainant appeared before this Court. She submitted that she had made a complaint dated 15.08.2022 before Police Station Bagdogra and thereafter she was asked to withdraw the said complaint and made the same before the office of the respondents. Accordingly, in the intervening night i.e. 15-16.08.2018, she withdraw the said complaint and made complaint on 16.08.2018 against the petitioner to the office of respondent No.4. She further stated that she did not prepare the complaint either before the police station or filed before the office of respondent No.4, but she had signed the said complaint.

8. This Court had handed over a white paper to the complainant and asked her to append her signatures. Accordingly, she had appended her full and initial signatures and from naked eyes the signatures appended on the complaints dated 15.08.2018 and 16.08.2018 seemed to be hers.

9. As stated by the learned counsel for the petitioner on 21.07.2022 that if the complainant was directed to be called in Court to append her signatures and if the same matched, he would withdraw his petition and will be out of the Court.

10. Though the petitioner still agitates that the complaints dated 15.08.2018 and 16.08.2018 had not been signed by the complainant. Since, we have called the complainant in Court and asked her to put her signatures and we are of the opinion that the signatures on the complaints dated 15.08.2018 and 16.08.2018 were of the complainant as she stated before this Court, therefore, we find no ground in the present petition, accordingly the petition is dismissed.

11. The pending applications, if any, also stand disposed of.



(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

APRIL 27, 2023/va