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

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Date of decision: March 29, 2023

+ W.P.(C) 4066/2023 & CM APPL.15871/2023 (exemption)

DEVENDRA SINGH Petitioner

Through: Mr. Nikhil Bhardwaj, Advocate

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Ravi Prakash, CGSC with Mr.
Farman Ali and Mr. Varun Aggarwal,
Advocates and Mr. Hilal Haider, GP

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE POONAM A. BAMBA

J U D G M E N T (oral)

1. Vide the present petition, petitioner prays as under:

i) Issue a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the impugned punishment order dated 05.07.2022 vide which petitioner has been compulsory retired from the service as well as order dated 07.02.2023 vide which appeal of the petitioner against the impugned punishment order dated 05.07.2022;

ii) Issue a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the Charge Sheet dated 07.02.2023 as well as the Proceedings arising therefrom it;

iii) Issue a Writ of Mandamus or any other appropriate writ, order or direction thereby directing respondents to reinstate the petitioner forthwith with all consequential benefits or in alternative grant petitioner Invalid pension in terms of Rule 39 & 44 of CCS Pension Rule 2021 read with Rule 91 B of the Central Industrial Security Force Rules 2001 as well as disability pension;

iv) Or in alternative Issue a Writ of Mandamus or any other appropriate writ, order or direction thereby directing respondents to treat this Writ Petition as Review Petition under Section 9 of the Central Industrial Security Force Act, 1968 read with Rule 54 of Central Industrial Security Force Rules, 2001 and decide the same within period of 4 weeks;

v) Issue a Writ of mandamus or any other appropriate writ, order or direction thereby directing respondents to take disciplinary action against Respondent No. 05 & 06 for harassing the Petitioner, a subordinate, in the disciplined force "CISF";

2. Notice issued.

3. Learned counsel for respondents accepts notice and has raised preliminary issue that no revision petition has been preferred by the petitioner, however, the petitioner has approached this Court directly. Thus, the present petition is not maintainable.

4. In view of above, we hereby dispose of the present petition by giving liberty to the petitioner to file a revision petition and on receipt of the same, respondents are directed to decide the same within four weeks thereafter and communicate the decision thereof to the petitioner within one week thereafter with reasoned order. While passing the order, the respondents shall consider the mental condition of petitioner and pass the order on humanitarian ground.

5. With the aforesaid directions, the present petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(POONAM A. BAMBA)
JUDGE

MARCH 29, 2023/rk