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

% Judgment delivered on: 15th September, 2023

+ W.P.(C) 7504/2021 & CM APPL. 45769/2023

UDAY KUMAR MONDAL Petitioner

versus

UNION OF INDIA AND ORS Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Shreshth Nanda and Mr. Pawan Kumar Ray,
Advocates.

For the Respondents: Mr. Rajesh Kumar, SPC with Ms. Ramneet Kaur and Mr.
Avinash, Yadav, Dy. Commandant, CRPF.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner has filed the subject petition *inter alia* for engaging Mr. Suhasis Chakraborty Ex-Assistant Commandant (M) as a Defence Assistant.

2. Learned counsel for the respondent had contended that in terms of the circular dated 23.05.2018, a Defence Assistant is to be a member of the Force below the rank of Assistant Commandant.

3. Learned counsel for petitioner submits that in certain cases the Central Zone headquarters by order dated 13.05.2021 and 30.06.2015



had permitted the appointment of the same individual as a Defence Assistant in departmental inquiries of other individuals.

4. By order dated 02.08.2021, there has been a stay on inquiry proceeding against the petitioner.

5. Learned counsel for the respondent submits that respondents seek vacation of the stay order on the ground that petitioner is due to superannuate on 30.09.2023 and the department intends to commence the inquiry prior to his superannuation and endeavor to conclude the same expeditiously.

6. Learned counsel for petitioner submits that petitioner also seeks the inquiry be commenced and concluded if possible prior to his superannuation on 30.09.2023.

7. Learned counsel for respondent further submits that in view of the peculiar facts and circumstances of the case and keeping in view the urgency expressed by petitioner himself, in the case of petitioner, respondents are willing to make an exception and permit appointment of Mr. Suhasis Chakraborty Ex-Assistant Commandant (M) as a Defence Assistant in the departmental inquiry initiated against the petitioner.

8. In view of the said statement, learned counsel for the petitioner submits that the grievance of the petitioner is redressed and he prays that the petition is disposed of in the above terms.

9. In view of the above, writ petition is disposed of, directing the



respondents to appoint Mr. Suhasis Chakraborty Ex-Assistant Commandant (M) as a Defence Assistant in the departmental inquiry against the petitioner. Inquiry shall be conducted in accordance with the Rules expeditiously.

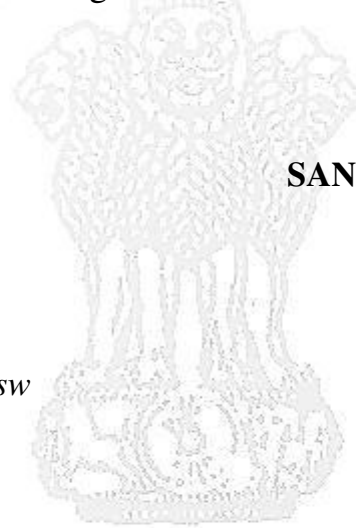
10. It is clarified that this order is passed in peculiar facts and circumstances of the case and in view of the concession given by both the parties and shall not be treated as a precedent.

11. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

SEPTEMBER 15, 2023/sw



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