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

% *Date of decision: January 27, 2023*

+ **W.P.(C) 824/2022 & CM APPL. 2330/2022 & 18822/2022**

+ **W.P.(C) 11729/2021 & CM APPL. 36248-49/2021 & 43479/2021**

KHAJAN SINGH

..... Petitioner

Through: Mr. Raj Shekhar Rao, Senior
Advocate with Ms. Gauri Puri, Ms.
Aditi Gupta and Mr. Hashil Wason,
Advocates

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Sanjay Jain, Additional Solicitor
General with Mr. Ripudaman
Bhardwaj and Mr. Nishank Tripathi,
Advocates for R/UOI
Mr. Collin Gonsalves, Senior
Advocate with Ms. Mugdha,
Advocate for R-3 in W.P.(C)
824/2022

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. Vide the first captioned petition, the petitioner is praying as under:

(a) *Issue a Writ of Certiorari, Mandamus or any other Writ/ Order/ Direction thereby quashing and setting aside the Order dated 06.04.2021 issued by the Respondent No. 2, DIG (CR&Vig.) Dte, Directorate General, CRPF reopening the inquiry into the Complaints made by Ms. S and constituting a Central Level Complaints Committee;*

(b) *Issue a Writ of Certiorari, Mandamus or any other Writ/ Order/ Direction thereby quashing and setting aside the Memorandum of*

Charge dated 05.11.2021 issued by the Respondent No. 2, DIG (CR&Vig.) Dte, Directorate General, CRPF;

(c) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby quashing and setting aside the Order dated 22.12.2021 issued by the Respondent No.2, DIG (CR&Vig.) Dte, Directorate General, CRPF constituting the Central Level Complaints Committee with Respondent No. 4 as the Chairperson;

(d) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby quashing and setting aside the Order dated 22.12.2021 issued by the Respondent No. 2, DIG (CR&Vig.) Dte, Directorate General, CRPF closing the Petitioner's right to file a Written Statement;

(e) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby quashing and setting aside the Order dated 04.01.2022 issued by the Respondent No.4, Ms. Charu Sinha, IPS, IG Srinagar, calling upon the Petitioner to appear through video conferencing for the 2nd stage inquiry on 18.01.2022;

(f) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby quashing the inquiry proceedings initiated against the Petitioner in respect of the complaint dated 21.04.2014 made by Respondent No.3 and thereby directing the Respondent No. 1, 2 & 4 to close the inquiry proceedings;

(g) Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondent No. 1 & 2 to take action under Section 17 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition

and Redressal) Act, 2013 against Respondent No. 4 and/or any other such persons for violation of Section 16 of the Act;

(h) Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondent No. 1 & 2 to pay compensation for causing harassment, mental agony, loss of reputation and goodwill along with costs of the Petition to the Petitioner;

Alternatively,

(i) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby directing the Respondent No. 1 & 2 to constitute a fresh Central Level Internal Complaints Committee and conduct a fresh Preliminary Inquiry;

(j) Pass any other or further order/s as this Hon'ble Court may deem fit and proper.

2. Vide the second captioned petition, the petitioner is praying as under:

“(a) Issue a Writ of Certiorari, Mandamus or any other Writ/ Order/ Direction thereby quashing and setting aside the Order dated 31.03.2021 issued by the Respondent No.2, DIG (CR&Vig.)

Dte, Directorate General, CRPF by which the Petitioner has been placed under suspension;

(b) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby quashing and setting aside the Memorandum of Charge dated 31.03.2021 issued by the Respondent No.2, DIG (CR&Vig.) Dte, Directorate General, CRPF; (c) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby quashing and setting aside the Order dated 23.06.2021 issued by the Respondent No.2, DIG (CR&Vig.) Dte, Directorate General, CRPF extending the Petitioner's suspension;

(d) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby quashing the inquiry proceedings initiated against the Petitioner in respect of the complaint dated 18.12.2018 made by Respondent No. 3 and directing the Respondent No.1, 2 & 4 to close the inquiry proceedings;

Alternatively,

(e) Issue a Writ of Certiorari, Mandamus or any other Writ/Order/Direction thereby directing the Respondent No. 1 & 2 to constitute a fresh Central Level Internal Complaints Committee;

Consequently,

(f) Issue a Writ of Certiorari or any other Writ/Order/Direction thereby reinstating the Petitioner and directing the Respondent No. 1-2 for payment of arrears of salary w.e.f. 31.03.2021 along with all consequential benefits including promotion and increments as given to his juniors who were promoted to the post of Inspector General;

(g) Pass any other or further orders as this Hon'ble Court may deem fit and proper."

3. Since, the issue(s) involved in these petitions are similar, therefore, these petitions are heard together and are being disposed of by this Common Order.

4. Learned Additional Solicitor General appearing on behalf of respondent-UOI submits that he will request Ms. Charu Sinha, IG Srinagar, who is Chairperson of Internal Complaints Committee to recues herself from the committee and shall take steps to appoint another Officer of same rank as Chairperson of the Committee.

5. The above stated submission has not been objected by learned counsel for the petitioner.

6. Accordingly, respondents are directed to re-constitute the committee within one week from today and to conclude the inquiry expeditiously within five weeks thereafter.
7. On appointment of the Chairperson, the committee shall call complainants and record their statements.
8. It is made clear that the committee shall not re-examine the complainants at their request, for whatsoever reason.
9. We made this observation for the reason that one of the complainants, namely, Ms. K (complainant in W.P.(C) 11729/2021) has time and again changed her version and even filed affidavit before this Court submitting that nothing had happened as alleged initially.
10. Learned counsel for petitioner submits that the earlier Defence Assistant has already recused himself before the committee, therefore, petitioner may be allowed to propose three names before the committee for appointment of another Defence Assistant.
11. Accordingly, we direct the petitioner to propose three names for appointment of Defence Counsel to the respondents within three days from today and the respondents shall decide one name and appoint him/her as Defence Assistant.
12. With the aforesaid directions, these petitions stand disposed of.
13. Pending applications also stand disposed of.
14. Needless to state that if the observations of the committee are in favour of the petitioner, the respondents shall take steps to revoke the suspension and to consider the promotion and grant other consequential benefits to the petitioner in accordance with law, if he is found eligible.
15. Needless to further state that if the petitioner still feels aggrieved, he

may challenge the decision of the committee before appropriate forum in accordance with law.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

JANUARY 27, 2023

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