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

Judgment delivered on: 29.08.2023

+ W.P.(C) 11423/2023

SUNIL CHADUHARY

..... Petitioner

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Abhay Kumar Bhargava, Advocate

For the Respondents: Ms. Nidhi Raman, CGSC with Mr. Zubin Singh,
Mr. Mayank Sansanwal and Mr. Akash Mishra,
Advocates for R-1 to R-4/UOI
Mr. Amit Acharya, GP for UOI/CRPF

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks to impugn chargesheet dated 20.04.2021.
2. It is contended by learned counsel for the petitioner that the charges framed against the petitioner are based on incorrect facts. He submits that one of the allegations is that petitioner was In-charge of the Medical Inspection Room of 187th Battalion whereas he was not the In-charge.



3. Learned counsel appearing for the respondents on advance notice submits that petitioner has been challenging subject inquiry proceedings at every stage. He had earlier filed a petition being W.P. (C) No. 6089/2021 which petition was dismissed directing the respondents to take a decision on his representation.

4. On 05.07.2021, this Court in W.P. (C) No. 6089/2021 had directed that petitioner would not be entitled to make a fresh challenge with respect to the decision on the representation and would be entitled to impugn the final decision post the inquiry.

5. We are further informed that another petition was filed by the petitioner being W.P. (C) No. 11154/2021 on the ground of appointment of a Defence Assistant of his choice. Said petition is still pending and there is a stay of inquiry proceedings vide order dated 30.09.2021 therein.

6. In the present petition, petitioner has impugned the charges framed against the petitioner on 20.04.2021. Perusal of charges show that the allegations against the petitioner are not impossible as alleged. The allegation, inter-alia, is that when the Doctor In-charge of the Medical Inspection Room was unwell, petitioner is alleged to have assumed the charge of the Medical Inspection Room and conducted medical examination of 177 personnel of 187th Battalion with fake/false signatures of the Medical Officer.

7. Similar charges have been framed with regard to examination of



several other personnel of 187th Battalion.

8. Learned counsel for the petitioner has relied upon a letter issued by Dr. Rana Jahuar Ahmad dated 07.06.2021, the then Medical In-charge wherein he has stated that it is not the petitioner but he who has conducted the medical examinations.

9. Though, we are not called upon to comment upon the merits of the said letter issued by Dr. Rana Jahuar Ahmad, we may note that the letter has been written showing that he is a retired officer. Learned counsel for the respondent informs that he was a contractual employee and his contract was terminated.

10. In any event, since a departmental inquiry has been initiated against the petitioner, it would be open to the Inquiry Officer to call for such evidence as may be required both in favour of the department and as requested by the petitioner.

11. At this juncture, we are not inclined to interfere with the chargesheet dated 20.04.2021. The petition is consequently dismissed. It would be open to the petitioner to impugn the final order, if aggrieved by the same.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

AUGUST 29, 2023

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