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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 22.08.2023

+ **W.P.(C) 4756/2018**

SH. INDERJEET KUMAR TIWARI

..... Petitioner

versus

UNION OF INDIA AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Appellant:

Mr. A.K. Bhakt, Advocate.

For the Respondents:

Mr. Ripu Daman Bhardwaj, Central Government
Standing Counsel with Mr. Kushagra Kumar and
Mr. Abhinav Bhardwaj, Advocates.

Mr. R.N. Parikh, CRPF.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 19.12.2015, whereby petitioner was dismissed from service. Petitioner also impugns order dated 05.02.2016 and 08.06.2016, whereby the appeal and the revision of the petitioner, respectively were dismissed. Petitioner seeks reinstatement in service with all consequential benefits.

2. Petitioner was appointed as a Constable, General Duty with the respondents on 10.04.1991. Petitioner thereafter also earned



promotion to the rank of Havaldar (GD). Subsequently, respondents found that petitioner had submitted a forged class-X certificate. After an enquiry and disciplinary proceedings, petitioner was imposed the subject punishment of dismissal from service.

3. On 04.07.2018, learned counsel for petitioner at the outset stated that he did not propose to challenge the impugned order on merits, but only confined the relief to the proportionality of punishment awarded to the petitioner of dismissal from service in light of the fact that he had rendered 25 years' of service in the Central Reserved Police Force.

4. Learned counsel for petitioner reiterates his submission and submits that he restricts his prayer to question the proportionality of the punishment awarded to the petitioner. He relies upon the averment made by the respondents in their counter-affidavit that there is no finding of the authorities on the aspect of proportionality of the punishment and the respondents were willing to consider the representation of the petitioner afresh.

5. We are unable to accept the contention of learned counsel for petitioner, for the reason that the petitioner is found to have submitted a forged class-X certificate. It is not in dispute that qualifying class-X is an eligibility criteria for joining the force at the rank of Constable. Since admittedly the petitioner did not possess the said qualification, the mere fact that petitioner was enlisted in service based on a certificate which is forged would not entitle him to continue in service.



6. The question of proportionality would arise only if a lesser punishment could be awarded to the petitioner. In the instant case, there can be no punishment lesser than punishment of removal for the reason that petitioner does not possess the eligibility qualification for being enrolled as a Constable in the CRPF i.e. having passed class-X.

7. We may further refer to the recent judgment of the Supreme Court in Civil Appeal No.246 of 2017, *Ex. Sepoy Madan Prasad Vs. Union of India and Others*, wherein the Supreme Court has held that one must be mindful of the fact that discipline is the implicit hallmark of the Armed Forces and a non-negotiable condition of service.

8. In view of the above, we find no merit in the petition. The petition is consequently dismissed.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

AUGUST 22, 2023
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