



2024:DHC:1058-DE



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

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Date of decision: February 8, 2024

+ W.P.(C) 1832/2024, CM APPL. 7650/2024

(50) V. VIKRAMAN

..... Petitioner

Through: Mr Umair A. Andrabi, Mr. Anubhav,
Mr. Naseer Jafri and Mr. Uzair,
Advocates

versus

UNION OF INDIA THROUGH SECRETARY MINISTRY OF
HOME AFFAIRS & ANR.

..... Respondents

Through: Mr. Akshay Amritanshu, SPC with
Mr. Amit Acharya, GP alongwith Ms.
Anjali Kumari, Mr. Samyak Jain and
Mr. Ayush Raj, Advocates
SI Shrabanta Sarkar, SSB

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:-

1. Issue an appropriate writ to quash the chargesheet dated 14.09.2001 being non est in law and direct the respondents to provide all the consequential benefits, including and not limited to service, seniority, and financial benefits.

2. Pass any further/additional orders that this Hon'ble Court deems fit."

2. In effect, the challenge in the petition is to a charge-sheet dated September 14, 2001 which was issued to the petitioner. There is no dispute that the respondents imposed the penalty of reducing the petitioner to the

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lower stage from Rs.10,750/- to Rs.8,000/- in the time scale, for a period of two years. It is a conceded position that the petitioner had challenged the said penalty before this Court in the year 2007 in a writ petition being W. P. (C) 2328/2007, which was decided in the year 2017 whereby this Court had dismissed the petition.

3. The submission of the learned counsel for the petitioner is that in view of the settled position of law of the Supreme Court in ***Union of India and Others v. B.V. Gopinath, 2014 (1) SCC 351***, the petitioner has filed a review petition under Rule 29A of the CCS (CCA) Rules, 1965, in the year 2020 challenging the charge sheet on the ground that, in absence of the approval of the charges by the Competent Authority, the further proceedings in the disciplinary case cannot be sustained.

4. According to him, the respondents vide communication dated April 23, 2021, disposed of the review petition without dealing with the plea raised by the petitioner. He also states that the issue raised in the review petition goes to the root on the maintainability of the charge-sheet itself.

5. We are not impressed by the submission made by the learned counsel for the petitioner, in view of the fact that the petitioner had challenged the punishment order in the earlier writ petition being W. P. (C) 2328/2007, which has resulted in the dismissal of the writ petition vide judgement dated April 18, 2017, which shall make the Review Petition filed by the petitioner under Rule 29A of the CCS (CCA) Rules, 1965, as not maintainable. The petitioner cannot in piecemeal approach the authorities / Court challenging the very same proceedings which have attained finality. The judgment of the Supreme Court rendered in the year 2014, shall not give a cause of action to the petitioner to file a review petition before the Authority followed by this



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petition. Nothing precluded the petitioner to amend the writ petition filed in the year 2007. Having not done that, and the said petition has been dismissed, this petition shall also follow the same fate as being not maintainable both on the ground of res judicata / constructive res judicata.

6. Unfortunately, for the reasons best known, the order(s) passed in the previous writ petition have not been annexed with this petition.

7. Be that as it may the petition alongwith pending application, is dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 8, 2024/akr

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