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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2951/2024

BIRENDER SINGH FORCE NO 130600822 EX CONSTABLE

..... Petitioner

Through: Mr. Nikhil Anand, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Uma Prasuna Bachu, Sr.P.C. with
SI. Sumit Kumar, SI. Prahlad and SI.
Amit Kumar, (CISF)
Mr. M. Theepa, GP with Mr. Kaushal
Kishor and Ms. Sanya Bhatia, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

07.03.2024

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

“a) Issue a Writ in the nature of Mandamus by directing the respondents to act on the recommendations dated 17.04.2021 (Annexure P-3) and dated 06.05.2021 (Annexure P-4) in which recommendation was made to reinstate the petitioner back in service but the petitioner was not reinstated in service because of pendency of CWP No. 21436 of 2017 in this Hon'ble Court which was withdrawn by petitioner vide order dated 05.10.2023 (Annexure P-7) but the respondents have not taken any decision regarding reinstatement of petitioner till date and the petitioner is the only personnel out of 09 total CISF personnel who was removed from service and all other CISF personnel have been retained in service despite being charged with similar charges in enquiry proceedings & the petitioner and 08 other CISF personnel stands acquitted in criminal case which was the basis of department enquiry against the petitioner;



(b) Issue a Writ in the nature of Mandamus directing the respondents to consider and decide the representation dated 09.10.2023 (Annexure P-8) submitted by the petitioner after obtaining liberty from this Hon 'ble Court vide order dated 05.10.2023 (Annexure P-7) in CWP No. 21436 of 2017 followed by reminder dated 11.12.2023 (Annexure P-9) in accordance with law in time bound manner and at parity with the other CISF personnel who despite being charged with similar offence(s) have been retained in service because of obtaining acquittal in criminal case which was the basis for initiating departmental proceedings against them;

(c) Directing the respondents to take a sympathetic view in case of the petitioner on the basis of proportionality and parity with other 08 CISF personnel who have been retained in service and the petitioner has been singled out and removed from service;

(d) Passing any other writ, order or direction that this Hon'ble Court deems fit and proper in the circumstances of the present case;”

2. The submission of learned counsel for the respondents is that a representation is pending consideration before the ADG South, CISF Headquarters, Navi Mumbai and the same shall be disposed of within four weeks.

3. If that be so, we direct the ADG South to dispose of the same within four weeks as an outer limit.

4. If the petitioner is aggrieved with the order to be passed by the ADG South, he may seek such remedy as available in law.

5. Petition disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 7, 2024/ds