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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6737/2023

DEBASIS CHATTERJEE

.....Petitioner

Through: Mr.Himanshu Gautam, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.N.K.Aggarwal & Mr.Bhaskar
Pandey, Advs. with Mr.Avinash, LDC, CRPF.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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06.08.2024

1. The petitioner, who is serving in the CRPF, has approached this Court under Article 226 of the Constitution of India assailing the order dated 31.07.2008 vide which a penalty of stoppage of five increments with cumulative effect was imposed on him.
2. On the last date, learned counsel for the petitioner had submitted that in accordance with the Rules 27 and 72 of Central Reserve Police Force Rules, 1955 (CRPF Rules), though the respondents could impose a penalty of stoppage of increments, there was no power under the CRPF Act or the CRPF Rules to direct the same to be with cumulative effect. In support of his plea, the petitioner had relied on a decision of a Co-ordinate Bench in **W.P.(C) 4839/2018** titled ***Jagannath Naik v. Inspector General of Police and Ors.*** Taking into account these submissions of the learned counsel for the petitioner, we had granted time to the learned counsel for the respondents to



obtain instructions.

3. Today, learned counsel for the respondents, on instructions, submits that taking into account the peculiar facts of the present case, the respondents are agreeable for modification of the impugned penalty imposed on the petitioner to that of a penalty of stoppage of increments without cumulative effect.
4. In the light of this fair stand taken by the respondents, nothing further survives for adjudication in the present case and, therefore, we are not expressing any opinion either qua the pleas raised by the petitioner or qua the applicability of the decision in ***Jagannath Naik(supra)*** to the facts of the present case.
5. The writ petition is, accordingly, disposed of by directing the respondents to treat the impugned penalty order dated 31.07.2008 as an order imposing penalty of stoppage of increments without cumulative effect. The respondents will, accordingly, re-fix the pay of the petitioner by taking into account this modified penalty by ensuring that the penalty of stoppage of five increments imposed on the petitioner does not have any effect on his future increments. The petitioner will, however, not be entitled to arrears of wages on this account and will be entitled to benefit of re-fixation of pay with effect from today.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 6, 2024/kk