



2024:DHC:8832-DB



\$~14

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

Date of decision: 14.11.2024

+ W.P.(C) 6429/2021
PRADEEP KUMAR YADAV

.....Petitioner

Through: Mr.K.K. Sharma, Mr.Mohit
Sharma, Mr.Harshit Aggarwal,
Mr.Tushar&Ms.Payal Rajput,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr.Rishabh Sahu, Sr. Panel
Counsel with Mr.Sameer
Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner challenging the Order dated 18.12.2020 passed by the Special Director General, Central Zone, Central Reserve Police Force (CRPF), Kolkata/respondent no.3 on a Revision Petition, whereby the respondent no.3 has set aside the order dated 22.02.2019 passed by the Inspector General, Dehradun Sector, CRPF (hereinafter referred to as the 'Appellate Authority'), and reduced the punishment awarded to the petitioner by the DIG, Rampur Range, (hereinafter referred to as



the 'Disciplinary Authority'), to one of stoppage of one annual increment of the petitioner for two years, which will not have the effect of postponing his future increments of pay.

2. It is the case of the petitioner that the above Impugned Order has been passed after the petitioner had already communicated his intent to withdraw the Revision Petition, by a request letter dated 07.11.2020, since an Order dated 25.09.2020 had been passed whereby he was awarded the punishment of 'Censure' by the Disciplinary Authority.

3. This Court, by its Order dated 22.08.2024, noting the above submission, had called upon the learned counsel for the respondents to seek instructions as to how action was taken on the Revision Petition when the petitioner had specifically withdrawn the same.

4. The learned counsel for the respondents today submits that the withdrawal application was addressed by the petitioner to the DG, CTC, Gwalior; the same was forwarded by CTC Gwalior to Range Rampur *vide* signal dated 17.12.2020; in response thereto, Range Rampur *vide* signal dated 23.12.2020, communicated to CTC Gwalior that the petitioner may be directed to submit his application to Special DG, Central Zone CRPF, which is the Revision Authority, for suitable consideration; however, as no further intimation was received, the Revision Petition was decided by the Revision Authority *vide* the impugned order dated 18.12.2020.

5. The instructions do not state if the requirement of the petitioner to address his withdrawal application to the Special DG, Central Zone CRPF, was ever communicated to the petitioner.



2024:DHC:8832-DB



6. The fact remains that the petitioner by its application dated 07.11.2020, had unconditionally withdrawn his Revision Petition and, therefore, there was no occasion for the respondent no.3 to have decided on the Revision Petition.

7. The prejudice caused to the petitioner by the Impugned Order is apparent from the fact that in the meantime, by an Order dated 25.09.2020, passed by the Disciplinary Authority, the petitioner had been visited with the punishment of 'Censure', which the petitioner had accepted and decided not to challenge. However, on the basis of the Impugned Order dated 18.12.2020, the said punishment order was recalled and it was stated that it will no longer be operated/valid. The petitioner, therefore, stands visited with a harsher punishment on his own Revision Petition, which he had sought to withdraw even before the order was passed thereon.

8. In the peculiar facts of the present case where the petitioner, pursuant to the Order dated 06.04.2019, suffered a *de novo* inquiry and was visited with a punishment of censure by an Order dated 25.09.2020, that is, before the Revisional Authority decided on his Revision Petition, in our view, the impugned Order dated 18.12.2020 passed by the Revision Authority/respondent no. 3 is liable to be set aside. The proceedings before the respondent no. 3 had already become infructuous, if not withdrawn by an application dated 07.11.2020 by the petitioner, before the Impugned Order had been passed thereon.

9. Accordingly, the Impugned Order dated 18.12.2020 is hereby set aside. The petitioner shall continue to be visited with the



2024:DHC:8832-DB



punishment that has been awarded to him *vide* the Order dated 25.09.2020 of the Disciplinary Authority. The petitioner shall also be entitled to all consequential benefits.

10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 14, 2024/rv/as

Click here to check corrigendum, if any