



2024:DHC:7634-DB



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

+ W.P.(C) 521/2023, CM APPLs. 2097/2023 & 2099/2023

COMMISSIONER OF POLICE & ORS.Petitioners

Through: Mr. Sahaj Garg, Sr. PC with SI
Mukundan

versus

TEJVEER SINGHRespondent

Through: Mr. Vivek Kumar Tandon, Ms.
Perna Tandon, Mr. Mayank Tiwari and Mr.
Harshit Gahlot, Adv.

+ W.P.(C) 10755/2023, CM APPL. 41677/2023

GOVT OF NCT OF DELHI AND ORS.Petitioners

Through: Mr. Amit Gupta, Mr. Vidur
Dwivedi, Mr. Karan Rawal, Adv. with ASI
Upender (North East Disstt.)

versus

MANOJ SHARMARespondent

Through: Mr. Gaurav Sharma and Ms.
Sakshi Jha, Adv.

+ W.P.(C) 4218/2023, CM APPLs. 16357/2023, 21322/2024 &
21323/2024

COMMISSIONER OF POLICE DELHI
POLICE & ORS.Petitioners

Through: Mr. Vinay Yadav, Sr. PC with
Mr. Abhinav M. Goel, Adv.

versus



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EX CONST JAGVIR SINGH

.....Respondent

Through: Mr. Hirein Sharma, Mr. M.C. Sharma, Mr. Saurabh Goel, Mr. Karsan Chaudhary, Mr. Tushar Ahuja and Mr. R.N. Jindal, Advs.

+ W.P.(C) 4764/2023, CM APPL. 18367/2023

COMMISSIONER OF POLICE DELHI
POLICE & ORS.

.....Petitioners

Through: Mr. R.Venkat, Sr. PC with Mr. Abhinav M. Goel, Adv.

versus

EX CONST CHANDER HAS

.....Respondent

Through: Mr. Sourabh Ahuja, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER (ORAL)

01.10.2024

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C.HARI SHANKAR, J.

1. In all these petitions, the concerned respondents were dismissed from service without holding an inquiry by invoking the provisions of clause (b) of the proviso to Article 311(2) of the Constitution of India.

2. Learned Counsel for the respondents submit that this issue is squarely covered against the petitioners by several decisions of this



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Court including *Commissioner of Police v Karam Pal*¹, *Commissioner of Police v Kapil*² (which stands upheld by the Supreme Court) and *Commissioner of Police v Jagmal Singh*³ (which also stands upheld by the Supreme Court by dismissal of the SLP filed there against) which hold, in similar circumstances, invocation of clause (b) of the proviso to Article 311(2) of the Constitution to be unsustainable in law.

3. Learned Counsel for the petitioners is also candid in acknowledging that these judgments cover the case in the respondents' favour.

4. Accordingly, the impugned orders passed by the learned Tribunal in these petitions are upheld. The writ petitions are accordingly dismissed with no orders as to costs.

C.HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

OCTOBER 1, 2024/aky

Click here to check corrigendum, if any

¹ 2024 SCC OnLine Del 4906

² 2024 SCC OnLine Del 2867

³ 2024 SCC OnLine Del 2024