



2024:DHC:9317-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 02.12.2024

+ W.P.(C) 16567/2024
RAJVIR SINGHPetitioner

Through: Mr.Ankur Chhibber, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr.Munu Balraj, SPC,
Mr.Aakash Meena, Mr.Harshit
Goel, Advs. with Mr.Sourabh
Bhushan, Mr.Ajay Pal Singh,
Legal Officers.

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

NAVIN CHAWLA, J. (Oral)

CM APPL. 70049/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 16567/2024 & CM APPL. 70048/2024

2. This petition has been filed by the petitioner challenging the Memorandum of Charges dated 12.07.2024, issued by the respondents proposing to hold an inquiry against the petitioner under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 on the following Articles of Charges:

*“STATEMENT OF ARTICLES OF CHARGE
FRAMED AGAINST SHRI RAJVIR SINGH
DY. COMMANDANT (IRLA 10127) OF 104
RAF BN.*

Signature Not Verified

Digitally Signed
By: SUNIL
Signing Date: 10.12.2024
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ARTICLE-I

That Shri Rajvir Singh, Dy. Commandant (IRLA 10127), 104 RAF Bn, while posted in 22 Bn, CRPF and on attachment and functioning in the capacity of No. 055070604 SI/GD in Central Wushu Team, CRPF at GC New Delhi committed a serious act of misconduct in that he misrepresented/projected himself as Main Coach of No. 050120025 Constable/GD M. Bimoljit Singh (now Ex-HC/GD), during his Bronze-medal winning performance in 15th Asian Games-2006 & 16th Asian Games-2010 to claim out of turn promotion and also got out of turn promotion from Inspector/GD to Assistant Commandant, The said No. 055070604 SI/GD Rajvir Singh had not even participated in Asian Games 2006 & 2010 as part of Indian Contingent, thus his out of turn promotion was not covered under rules/instructions.

Thus, said Shri Rajvir Singh, Dy. Commandant (IRLA 10127) (then SI/GD) has failed to maintain absolute integrity, acted in a manner unbecoming of Govt. servant, failed to maintain high ethical standards and honesty and failed to refrain from doing things which is contrary to the rules, regulation & established practices, by violating the provisions contained in Rule 3 (1) (i), (iii), (vi) & (xviii) of CCS (Conduct) Rule, 1964.

ARTICLE-II

That Shri Rajvir Singh, Dy. Commandant (IRLA 10127), 104 RAF Bn, while posted in 75 Bn, CRPF and on attachment and functioning in the capacity of Assistant Commandant in Central Wushu Team, CRPF at GC New Delhi committed a serious act of misconduct in that he misrepresented/projected himself by submitting self explanatory application as Main Coach of Shri Santosh Kumar, who had won Bronze medal in 18th Asian Games-2018, to claim out of turn promotion and also got the promotion from Assistant Commandant to



Deputy Commandant. The said Shri Rajvir Singh, Assistant Commandant was not eligible for out of turn promotion being the Assistant Coach of medal winning player.

Thus, said Shri Rajvir Singh, Dy. Commandant (IRLA 10127) (then

Assistant Commandant) has failed to maintain absolute integrity, acted in a manner unbecoming of Govt. servant, failed to maintain high ethical standards and honesty and failed to refrain from doing things which is contrary to the rules, regulation & established practices, by violating the provisions contained in Rule 3 (1) (i), (iii), (vi) & (xviii) of CCS (Conduct) Rule, 1964.

ARTICLE-III

That Shri Rajvir Singh, Dy. Commandant (IRLA 10127), 104 RAF Bn, while posted in RTC CRPF, Srinagar and on attachment and functioning In the capacity of Assistant Commandant in Central Wushu Team, CRPF at GC G.Noida committed a serious act of misconduct in that he claimed 05 special increments of pay meant for Coaches, who imparted training to Gold medal winning team in Asian/Olympic Games/World Championship by submitting application, whereas he was not eligible for said special increments being the Coach of Wushu Sports for National Championship in violation of Para-B (I) (iv) of Gol, DoP& T OM No.F.14034/01/2013-Estt,(D) dated 03.10.2013.

Thus, said Shri Rajvir Singh, Dy. Commandant (IRLA 10127) (then

Assistant Commandant) has failed to maintain absolute integrity acted in a manner unbecoming of Govt. servant, failed to maintain high ethical standards and honesty and failed to refrain from doing things which is contrary to rules, to the rules, regulation & established practices, by violating the provisions contained in Rules 3(1)(i), (iii), (iv) & (xviii) of CCS (Conduct) Rule, 1964.”



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3. Briefly stated, it is the case of the petitioner that the petitioner joined the Central Reserve Police Force (in short, 'CRPF') on 16.05.2005 as Sub-Inspector (in short, 'SI') under the Sports Quota. The petitioner claims that from time to time he had been called upon to train National Athletes for International tournaments and he trained a number of National Athletes, out of which some have won National Awards, including 03 Arjuna Awardees from the CRPF team in the year 2011, 2012 and 2018 and the first ever World Champion in Wushu Sports in the year 2017.

4. The petitioner is aggrieved by the above charge sheet and claims that the respondents have erred in interpreting Clause 4(A)(iv) of the "Scheme for out-of-turn promotion for sportspersons" (hereinafter referred to as the "Scheme"). The learned counsel for the petitioner submits that a Coach, who has "trained a sportsperson" who goes on to win a medal in any of the international game or championship is entitled to an out of turn promotion; the Coach may not be the main Coach of the sportsperson.

5. Drawing our reference to the various documents filed in the petition, he submits that the petitioner was a Coach of the sportspersons who went on to win laurels for the country in the 15th Asian Games-2006, 16th Asian Games-2010, and the 18th Asian Games-2018. He submits that acknowledging the contribution of the petitioner, the respondents themselves issued out-of-turn promotions to the petitioner. He submits that the petitioner never misled the respondents into believing that he was the Head Coach of the team



that travelled to the Asian Games.

6. He further submits that the out-of-turn promotion granted to the petitioner has been challenged out of jealousy by competitors in the form of a Writ Petition, being W.P. (C). 9349/2020, titled ***Aman Kumar & Ors. v. Union of India & Ors.***, which is pending adjudication before this Court. In the said writ petition, the respondents have filed a counter affidavit defending the out-of-turn promotion and increments granted to the petitioner. He submits that, therefore, the respondents cannot take a contrary stand while issuing the Impugned Charge Sheet against the petitioner.

7. He submits that the respondents have clearly acted without application of mind in issuing the Impugned Charge Sheet. In support, he places reliance on the Judgments of the Andhra Pradesh High Court in ***D.Ramesh Sinha v. Cadre Authority for Key Personnel of Co-operative Central Banks/Apex Bank***, 2001 SCC OnLine AP 1206; of the Rajasthan High Court in ***Sukhraj Singh v. High Court of Judicature of Rajasthan***, 1988 SCC OnLine Raj 79, and ***S.S. Darbari v. Union of India & Ors.*** 1999 SCC OnLine Raj 89.

8. On the other hand, the learned counsel for the respondents, who appears on advance notice, submits that the present petition is premature in nature. He submits that before issuance of the Memorandum of Charges, a preliminary inquiry was conducted and based on its findings, the Impugned Memorandum of Charge has been issued to the petitioner. The petitioner has full opportunity to defend himself in the inquiry proceedings.

9. We have considered the submissions of the learned counsels for



the parties.

10. In the present case, as would be evident from the Impugned Article of Charge, the main allegation against the petitioner is that he has falsely misrepresented himself as the “Main Coach” of athletes who went on to bring laurels for the country and won medals in the 15th Asian Games-2006, 16th Asian Games-2010, and the 18th Asian Games-2018. He has not only been granted the out-of-turn promotion for the same, but has also been granted increments. It appears that as the out of turn promotion granted to the petitioner has been challenged before this Court in the form of the abovementioned writ petition, the respondents realised that there was some discrepancy in the claim made by the petitioner while obtaining some of the out-of-turn promotions and increments. We are informed that a preliminary inquiry has been conducted and based on the finding thereof, the Impugned Charge Sheet has been issued against the petitioner. In the inquiry proceedings, the petitioner shall have full opportunity to defend himself by placing reliance on all the documents or other materials that the petitioner has to confront the charges levelled against him. We are of the opinion that at this stage, interference by this Court in the Charge Sheet is not warranted.

11. Clause 4A(iv) of the scheme reads as under:

“4. NUMBER OF OUT OF TURN
PROMOTION TO BE ALLOWED

A. EXCELLENCE IN INTERNATIONAL
SPORTS EVENTS

*iv. An out of turn promotion be considered
for performance as a Coach if he/she has
trained a sportsperson or a team which goes
on to win a medal in any of the international*



Games/Championships mentioned in para (i) above. A Coach who is a Government employee will be considered for out of turn promotion even If the sportsperson(s) he/she has trained is not a Government Servant provided he has already intimated his/her office the name of sportsperson(s) or team which have been receiving training from him. In case more than one Coach has trained a sportsperson or a team which eventually wins a medal then only the main Coach, subject 10 other conditions will be considered for out of turn promotion.”

12. A reading of the above would show that where a sportsperson has been trained by more than one coach, then only the ‘main coach’ would be considered for an out-of-turn promotion. In the present case, the first article of charge states that the petitioner had not even participated in the Asian Games of 2006 and 2010 as part of the Indian contingent. The petitioner does not contend that this allegation is false. He, however, contends that the Constable/GD M. Bimoljit Singh was trained by him as a coach of the CRPF team. Whether this would qualify the petitioner to claim an out-of-turn promotion, where Shri M. Bimoljit Singh went on to win a bronze medal in the 15th Asian Games (2006) and 16th Asian Games (2010), will be a matter of evidence. This Court cannot, at this stage, pre-judge this issue. The same also applies to the other articles of charge.

13. It is trite law that the High Court, exercising its powers under Article 226 of the Indian Constitution, does not normally interfere with a chargesheet or interdict an inquiry by appreciating the controversy of fact. It is only in rare circumstances where the



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chargesheet has been issued without jurisdiction, or in a capricious or *mala fide* use of power, or is completely baseless showing non-application of mind, that the High Court may, in its jurisdiction under Article 226 of the Constitution of India, interfere with the chargesheet and interdict an inquiry. In our opinion, the petitioner has not been able to make out such a case. There are disputed questions of fact to be determined in the inquiry, especially regarding the role played by the petitioner as a coach of the sportsperson who went on to win laurels for the country in the Asian Games, and his entitlement to an out-of-turn promotion and increments in terms of Clause 4A(iv) of the scheme. This Court cannot substitute itself as an inquiry officer and determine these issues of fact at this stage.

14. In ***D. Ramesh Sinha*** (supra), the appellants had challenged the orders placing them under suspension. The Court found that as far as one of the appellants was concerned, the order of suspension had been passed in compliance with the direction issued by the State Government. The Court held that the competent authority had not applied its independent mind while issuing the order of suspension, therefore, the impugned suspension order was not sustainable. As for the other two appellants therein, the Court found that the suspension order was passed at a time when even the charge memo had not been issued to the appellants. The said case, therefore, has no application to the facts of the present case, as it is not the case of the petitioner that the impugned chargesheet has been issued on the dictate of a third party or is without jurisdiction.

15. In ***Sukhraj Singh*** (supra) as well as in ***S.S. Darbari*** (supra), the



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Court, in fact, recognized the limited jurisdiction of the High Court to interfere with a chargesheet in the exercise of its power under Article 226 of the Constitution of India. It was in the peculiar facts of those cases that the High Court found it fit to interfere with the chargesheet(s) issued in those cases. As observed hereinabove, we do not find such a case to be made out by the petitioner herein.

16. In view of the above, we find no merit in the present petition. The same is accordingly dismissed. The application is also disposed of as being infructuous.

17. It is made clear that this Court has not expressed any opinion on the merits of the Charge Sheet or the defence of the petitioner.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 2, 2024/rv/DG

Click here to check corrigendum, if any