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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10931 OF 2018

Hemant Hindurao Ingavale

... Petitioner

Versus

Union of India

.... Respondent

None for the Petitioner.

Mr. G.R. Dwivedi a/w Mr. Ashutosh Mishra & Ms.Khushi Mishra,
for the Respondent No.1.

**CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.**

DATE : 25th JUNE, 2025

JUDGMENT (PER M.S.KARNIK, J.) :

1. We have heard learned counsel for the petitioner on the last occasion. By this petition filed under Article 226 of the Constitution of India, the petitioner prays for the following reliefs.

“(i) The Hon'ble court be kind enough to pass orders to reinstate the Petitioner with all the previous benefits and due increments along with his arrears of salary.

(ii) A direction may be passed, directing the Respondents to not take into consideration the period of dismissal of the Petitioner and the break in his duty, at the time of future promotions and at the time of Retirement and pension benefits.

(iii) A direction may be issued that the Petitioner may not be blacklisted from other Government employments due to his impugned Dismissal.

2. The petitioner was posted as CT/GD in C/189 Battalion Halfog MC Hills (Assam) in Central Reserve Police Force (“CRPF”, for short) pursuant to an appointment letter dated 21/12/2005. At the time of applying for the post, the petitioner had submitted the original and genuine copy of all his educational documents including his 10th (Senior Secondary Examination) mark-sheet to the agency. The case of the petitioner is that all further procedure were handled by the agent and it was informed to the petitioner that the documents were found to be correct and that there was no discrepancy regarding the documents of the petitioner.

3. The Deputy Inspector General of Police of CRPF Agartala sent a letter dated 21/10/2008 to Divisional Secretary, Maharashtra State Board of Secondary & Higher Secondary Education Pune Kolhapur for the purpose of verification of the SSC passing document of the petitioner. The Divisional Secretary, Maharashtra State Board of Secondary & Higher Secondary Education Pune Kolhapur vide its reply dated 03/12/2008 informed that the certificates sent by the DIG are not tallying with the certificates which are in the custody of the Board and that there are some variations between both the certificates.

4. In this view of the matter, the Commandant addressed letters dated 28/01/2009 and 03/12/2008 to the petitioner directing him to answer the charge. In response to the notice, the petitioner gave a statement in this regard but the same was not accepted. The Commandant initiated departmental enquiry against the petitioner and issued a memorandum dated 28/05/2009 wherein following charges were levelled against the petitioner.

“That the CT/GD NO. 055258579 Hemant Hindurao Ingavle working as a GD in C/189 Bn there is charge on him that at the time of recruitment he has submitted an Educational document i.e. Board certificate/statement of marks/date of birth are verified by CRPF through DIG Office of CRPF Agartala towards the Divisional Secretary, Divisional Secretary, Maharashtra State Board of Secondary & Higher Secondary Education Pune Kolhapur (Maharashtra) and the Board indicated in the reply that same documents are not tally with original and on the basis of reply of Board the Disciplinary authority has been drawn and the Applicant No.055258579 has committed the offence U/S 11 (1) CRPF Act 1949 as well as under rule 27 of the CRPF rules which is punishable offence.”

5. An enquiry was conducted against the petitioner. By order dated 09/04/2010, the charges levelled against the petitioner were held to be proved and consequently the petitioner was dismissed from the service. The petitioner, aggrieved by order of dismissal, preferred an appeal before the Appellate Authority i.e. Deputy Inspector General of Police, Agartala, Tripura. The appeal came to be rejected. The petitioner therefrom preferred revision

application before the Inspector General of Police, Agartala, Tripura. Inspector General of Police rejected the revision by order dated 18/08/2011. Against the order passed by Inspector General of Police, the petitioner preferred petition dated 10/10/2011 before the Directorate General, CRPF, New Delhi Office (Ministry of Home Affairs) by letter dated 02/04/2012. The Special Directorate General North East Zone, CRPF rejected the petition of the petitioner and same was intimated to the petitioner by communication dated 13/07/2012. Thereafter the petitioner approached the Directorate General, CRPF New Delhi Office (Ministry of Home Affairs) in December 2012. The said petition was rejected on 24/09/2013. The petitioner then filed two representations dated 28/05/2015 & 22/06/2015 in the Office of Directorate General, CRPF, New Delhi Office (Ministry of Home Affairs) for reinstatement in service. The Office of Directorate General, CRPF, New Delhi Office (Ministry of Home Affairs) replied to the petitioner that as the petitioner has already availed all the remedies under the Rules, therefore, reinstatement of the petitioner is not possible.

6. Learned counsel for the petitioner assailing the order of dismissal and the orders passed in appeal submitted that the petitioner is not at fault as it is on the basis of the documents which were available that the petitioner applied pursuant to the advertisement and there was no misrepresentation on his part. It is submitted by learned counsel for the petitioner that he had handed over all the documents to the agent and the petitioner cannot be said to be at fault. It is further submitted that the crucial aspect is that the petitioner was not given proper opportunity to defend. It is further submitted that the respondents have put pressure on him to agree to the charges levelled against him and in fact, had informed him that should he agree to the charges levelled, the respondents will take lenient view. For all these reasons, it is submitted by learned counsel for the petitioner that the impugned order calls for interference.

7. We have heard the learned counsel for the respondents and perused the orders passed by the disciplinary authority and the orders passed by the appellate and revisional authority. During the course of enquiry, it can be seen that the petitioner has admitted to the charge that was levelled against him. The order

dated 18/08/2011 of the revisional authority which is at page 58 of the paper-book records that the departmental enquiry was conducted as per rules and all opportunities were provided to the petitioner to defend himself. It also records that the petitioner did not produce any witness or materialistic evidence in his defence but accepted that he had submitted forged educational certificates at the time of recruitment. Copy of enquiry report was also provided to the petitioner by the Commandant vide his letter dated 05/01/2010 for making representation, if any, in his defence, but he did not produce any new fact/evidence.

8. We find that the petitioner was given every possible opportunity to defend himself during the course of the enquiry but as can be seen from the material that the petitioner admitted the charge levelled against him. During the course of enquiry, two mark-sheets of SSC examination, one which was relied upon by the petitioner for seeking appointment and other one which was obtained from the Board reveals that they are totally different. It is on the basis of such discrepancy in the mark-sheets that enquiry was initiated. In our opinion, for the charge levelled against him, the punishment of dismissal can not be said to be disproportionate.

We therefore do not find any merit in the petition. The writ petition is dismissed.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)