



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4826 OF 2024

Deepak Kumar S/o. Preet Kumar,
Aged :31 Yrs., Occ.: Nil,
R/o. Bhatnagar Colony, Rohtak Road,
Jind, Haryana-126102

...PETITIONER

// V E R S U S //

1. **The Director General of**
Railway Protection Force,
Ministry of Railway, Railway
Board, New Delhi
2. **Dy. Chief Security**
Commissioner, Railway Protection
Force, S.E.C. Railway, Ministry
of Bilaspur (Chhatisgarh)
3. **The Officer In-Charge/Inspector,**
Railway Protection Force,
Settlement Post Motibagh,
Nagpur, Distt. Nagpur
4. **Deputy Inspector General,**
Chief Security Commissioner,
Railway Protection Force, Bilaspur
5. **Inspector General,**
Chief Security Commissioner,
Railway Protection Force,
Bilaspur

Amended as
per court's
order dated
08.04.2025

..RESPONDENTS

Mr A. V. Karnavat, Advocate for the petitioner
Mr C. J. Dhumane, Advocates for the respondent Nos. 1 to 5

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.
DATED : SEPTEMBER 15, 2025.

ORAL JUDGMENT : (PER : ANIL S. KILOR, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.

3. The petitioner, was working as a 'constable' at RPF, Settlement Post, Motibagh under the respondents. While rendering the services one offence bearing Crime No. 212 of 2022 came to be registered on 04.04.2022 for the offences punishable under Sections 8(c), 20(b) (ii)(A) & (B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The petitioner was arrested on 07.04.2022, on the same date he was suspended and within three days i.e. on 10.04.2022 he was terminated.

4. Admittedly, the petitioner was permanent in service. Furthermore, without holding any inquiry he came to be removed from the service. The justification for not holding the departmental

enquiry is that Rule 161 of the RPF Rules, 1987 permits the respondents to impose punishment without holding an inquiry.

5. Rule 161(ii) of the RPF Rules, 1987 says that, where the authority competent to impose the punishment is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, the authority competent to impose the punishment may consider the circumstances of the case and make such orders thereon as it may deem fit.

6. The Hon'ble Supreme Court of India in the case of *Union of India and others .v/s. Ram Bahadur Yadav*¹ has observed thus :

“14. It is a settled legal position that when Rules contemplate method and manner to adopt special procedure, it is mandatory on the part of the authorities to exercise such power by adhering to the Rule strictly. Dismissal of a regular member of Force, is a drastic measure. Rule 161, which prescribes dispensing with an inquiry and to pass order against a member of Force, cannot be invoked in a routine and mechanical manner, unless there are compelling and valid reasons. The dismissal order dated 22-10-1998 does not indicate any

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reason for dispensing with inquiry except stating that the respondent had colluded with the other Head Constable for theft of non-judicial stamp papers. By merely repeating the language of the Rule in the order of dismissal, will not make the order valid one, unless valid and sufficient reasons are recorded to dispense with the inquiry. When the Rule mandates recording of reasons, the very order should disclose the reasons for dispensing with the inquiry.

15.

16. ... In *Sahadeo Singh v. Union of India*, this Court has held that in the facts and circumstances of the said case, it was not reasonably practicable to hold a fair inquiry, as such, it was held to be justifiable on the facts of the case. Whether it is practicable or not to hold an inquiry, is a matter to be considered with reference to the facts of each case and nature of charge, etc.

17. In the judgment in *Tarsem Singh v. State of Punjab*, this Court has categorically held that when the Authority is of the opinion that it is not reasonably practicable to hold inquiry, such finding shall be recorded on the subjective satisfaction by the authority, and same must be based on the objective criteria. In the aforesaid case, it is further held that reasons for dispensing with the inquiry must be supported by material.”

7. It is thus held by the Hon’ble Supreme Court of India in the above referred judgment that it is mandatory on the part of the authorities to exercise such power contemplating method and manner to adopt special procedure as given under the Rules, by adhering to it strictly. In case of dismissal of an employee, such rule

prescribing dispensing with an inquiry cannot be invoked in a routine and mechanical manner, unless there are compelling and valid reasons. When the rule mandates recording of reasons, for dispensing of inquiry, such order should disclose the reasons for dispensing with the inquiry. Whether it is practicable or not to hold an inquiry is a matter to be considered with reference to the facts of each case and nature of charge etc. The reasons for dispensing with the inquiry must be supported by material.

8. In this case nothing is brought on record to show that it was not reasonably practicable to hold an inquiry against the petitioner. It is submitted that the petitioner, at the relevant time, on the date of termination, was in jail. However, the above referred dates speak for itself that, on 07.04.2022, the petitioner was arrested, on the same date he was suspended and within three days i.e. on 10.04.2022 the petitioner came to be terminated.

9. In the circumstances, the justification given by the respondents is not acceptable and we have no doubt or hesitation to hold that the termination of the petitioner was in violation of

principles of natural justice, as he was terminated without holding an inquiry.

10. The departmental appeal and revision also came to be rejected without considering the above referred aspects. In the circumstances, the impugned termination order dated 10.04.2022 passed by respondent No.2-Deputy Chief Security Commissioner, RPF, Bilaspur (Chhattisgarh), the order dated 22.09.2022 passed by respondent No. 4-Deputy Inspector General of the Railway Protection Force, Bilaspur in Appeal No. 129 of 2022 and the order dated 15.12.2022 passed by respondent No. 5-Inspector General of the Railway Protection Force, Bilaspur in Revision No. 175 of 2022 are bad-in-law.

11. In view of the above referred observations and having considered the above referred facts, we pass the following order :

ORDER

- i. The writ petition is allowed.
- ii. The termination order dated 10.04.2022 passed by respondent No.2-Deputy Chief Security

Commissioner, RPF, Bilaspur (Chhattisgarh) and the order dated 22.09.2022 passed by respondent No. 4 Deputy Inspector General of the Railway Protection Force, Bilaspur and the order dated 15.12.2022 passed by respondent No. 5-Inspector General of the Railway Protection Force, Bilaspur are hereby quashed and set aside.

iii. The respondents are directed to give consequential benefits to the petitioner as per rules within a period of six months from today.

iv. The respondents are at liberty to conduct departmental enquiry, if they so desire.

Rule made absolute in the above terms. No order as to costs. Pending applications, if any, also stand disposed of.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]