



2025:DHC:9862-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**Reserved on : 3rd November, 2025Pronounced on : 12th November, 2025

+ W.P.(C) 2400/2007

EX. CONST(GD) SARJEET SINGHPetitioner

Through: Mr. AK Trivedi, Advocate.

versus

U.O.I & ORSRespondents

Through: Mr. Bhagwan Swarup Shukla, CGSC
alongwith Mr. Yash Baroliya, Mr.
Pradyum Singh & Mr. Praveen Gupta
with Insp Athurv, Mr. Inderpal & Mr.
Ramniwas, CRPF.**CORAM:****HON'BLE MR. JUSTICE DINESH MEHTA****HON'BLE MR. JUSTICE VIMAL KUMAR YADAV****JUDGMENT****Per DINESH MEHTA, J.**

1. The present adjudication under Article 226/227 of the Constitution of India is directed against the Order of the Disciplinary Authority dated 06.12.2005, the order of the Appellate Authority dated 09.03.2006 and the order of Revisional Authority dated 24.08.2006, whereby the Respondent-Central Reserve Police Force (hereinafter referred to as CRPF) had dismissed the petitioner from service and such order came to be affirmed by the Appellate Authority and the Revisional Authority by above referred orders.



2. The relevant facts are that the petitioner was appointed as a Constable GD on 10.03.1996 and admitted to the roll of CRPF
3. On 25.08.2005, the petitioner was served with a charge-sheet eliciting his response for the alleged misconduct of consuming liquor on Government duty without prior permission of the Competent Authority. The petitioner was asked as to why Section 11(1) of the CRPF Act, 1949 (hereinafter referred to as CRPF Act) should not be invoked for said misconduct.
4. For the purpose of the disposal of present case, it will not be out of place to reproduce the charge framed against the petitioner:

“That the said Force No.961120208 Ct./GD Sarjit Singh, D/61 Bn., CRPF while working as Ct./G.D. in the capacity of member of the force disobeyed the rules and orders under Section 11 (1) of the C.R.P.F. Act, 1949 and has committed misconduct and other misbehaviour in discharge of his duty in which during his duty on 21.07.2005 he consumed liquor without permission of competent officer.”
5. The petitioner filed a response taking a plea that when he received the information about the illness of his daughter who had Epilepsy, he got traumatized and consumed a small quantity of liquor to overcome the mental agony. The Inquiry Officer, however, found the charge against him to be proved and submitted an Inquiry Report on 01.11.2005. Though a copy of the inquiry report was furnished to the petitioner and he was asked to give his representation within 15 days as to why appropriate punishment should not imposed upon him, however, no notice of proposed punishment order was given.
6. The Disciplinary Authority passed an order of punishment dated 06.12.2005 and awarded penalty of dismissal from the service.
7. While passing the aforesaid order, the Disciplinary Authority not only



relied upon the report of the Inquiry Officer and found the charges framed against the delinquent to be fully proved beyond all doubts but has also considered his past conduct observing, *inter alia*, that he was habitual of consuming liquor and an indisciplined personnel. It will not be out of place to reproduce the relevant part of the finding of the Disciplinary Authority which reads thus:

“Hence, I fully agree with the enquiry proceedings. I have considered all the aspects of the case and have also deeply studied the case and found that all the charges framed against the delinquent personnel have been proved beyond any doubt. He is habitual of showing indiscipline. Hence, he himself, as such, is a burden for a disciplined force like C.R.P.F. His past service record is also not satisfactory. On many occasions, he has proved himself an indisciplined Ct.. In addition to this, the aspects relating to his current financial condition was also taken into consideration and found that the delinquent personnel is not fit to be retained in a disciplined force like Central Reserve Police Force. During departmental enquiry proceedings, every opportunity for defence was provided to him at every stage but the delinquent personnel could not prove himself innocent against the charges framed against him. Hence, keeping in view the aforesaid facts and after thorough examination of the case, I, under the provisions contained in Section/Rule 27 (A) of Central Reserve Police Force Rules, 1955 read with Section 11 (1) of the Central Reserve Police Force Act, 1949, hereby award the penalty of dismissal from service.”

8. Against the above referred penalty order of the Disciplinary Authority, the petitioner preferred an appeal in which he had raised the contention that Section 11(1) of the CRPF Act provides for minor penalty, whereas the Disciplinary Authority had imposed a major penalty. It was also argued before the Appellate Authority that the charge sheet so also the inquiry report dealt with a solitary incident of consumption of liquor, whereas the Disciplinary Authority had taken into account the past conduct as well.



9. The Appellate Authority rejected petitioner's appeal vide its order dated 09.03.2006 by observing that if the entire text of Sub- Section (1) of Section 11 of the CRPF Act is gone into, it permits imposition of major penalty as well. The Appellate Authority also held that the Disciplinary Authority had studied the past history of the Petitioner to take a lenient view but from his past record it can be seen that he was habitual offender and was unable to desist from the bad habit hence, imposition of punishment or dismissal was justified.

10. While rejecting petitioner's appeal, the Appellate Authority recorded that during the personal hearing the petitioner admitted the factum of having consumed liquor on 21.07.2005 while discharging his duty and dismissed the appeal by observing that such strict action against a personnel employed in a disciplined force was necessary.

11. The order of the Appellate Authority dated 09.03.2006 was challenged before the Revisional Authority (Deputy Inspector General of Police), who rejected the revision and did not agree with the contentions raised by the petitioner in the appeal and before him, including the argument that under section 11(1) of the CRPF Act only a minor penalty is prescribed.

12. Learned counsel for the petitioner argued that firstly, a major penalty could not have been imposed when Section 11(1) of the Act of 1949, as it provides for a minor penalty. He added that the Disciplinary Authority had only supplied a copy of the inquiry report and no notice of proposed action was given, hence, the order of dismissal was illegal.

13. He argued that the response which the Disciplinary Authority had



sought was only about the correctness of the inquiry report. However, since notice of proposed punishment was not given to him, the petitioner could not give his reply as to why the major punishment should not be imposed.

14. Learned counsel for the petitioner in the alternative argued that since a period of about 20 years has now passed, even if the court does not want to interfere in the finding of the inquiry officer, the petition be entertained qua the quantum of punishment, which is highly disproportionate given that the charge sheet only related to a single incident of 21.07.2005 and finding in this regard alone was recorded, whereas the Disciplinary Authority had taken into account various previous incidents and past conduct which could not have been done.

15. Mr. Shukla, learned counsel for the Respondent submitted that petitioner was a Constable in a Disciplined Force like CRPF and if a member of Disciplinary Force did not desist from consuming liquor while on duty, despite various warnings given to him, the only course left with the Disciplinary Authority was to shunt him out of the Force. He argued that the Disciplinary Authority and the Appellate Authority had rightly taken into consideration the previous incidents of consumption of liquor, which had come to the notice of the Department.

16. He further submitted that in any case, there had been concurrent findings of three authorities and this Court in its jurisdiction under Article 227 of the Constitution of India should refrain from interfering in the same.

17. Learned counsel for the respondents relied upon judgment of this Court in the case of *Ex CT/GD Om Parkash v. Union of India & Ors.*,



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reported in 2023 SCC Online Delhi 3811 so also on the judgment of Hon'ble the Supreme Court in *Union of India v. Ram Karan*, reported in 2022 1 SCC 373 which relate to CRPF only.

18. In rejoinder, learned counsel for the petitioner submitted that since petitioner's dismissal is heavily based upon past incidents and highly disproportionate, the same be suitably modified and reduced to censure or any other appropriate minor penalty and the orders passed by the Authorities below be quashed and set aside.

19. In this regard, learned counsel for the petitioner relied upon judgment of Delhi High Court reported in *Union of India vs Ravi Dutt* 1973 (1) SLR 1222 and of Hon'ble the Supreme Court in *Ramakrishna vs Union of India* reported in Manu/SC/0065/96.

20. Heard learned counsel for the parties.

21. There is no gainsaying the fact that the charge sheet which was issued to the petitioner related to only one charge, as has been reproduced in para number 3 above. Such charge had been held proved by the inquiry officer and since it is a finding of fact recorded by the inquiry officer and same has not been alleged to be perverse, we are not inclined to go into its correctness. We, therefore, affirm the finding of the inquiry officer.

22. But then, even if the charge of having consumption of liquor on 21.07.2005 is held to be proved and taken/used against the petitioner, then also, what becomes relevant is, in absence of charge sheet in relation to past incidents (if any) of consumption of liquor, whether the disciplinary authority was justified in imposing extreme penalty of dismissal from



service?

23. A copy of the order of the Disciplinary Authority dated 06.12.2005 shows that the Disciplinary Authority had not only considered and approved upon the findings of the Inquiry Officer but has gone a step ahead and taken into consideration various other similar incidents. He observed that the petitioner was habitual in showing indiscipline and while noticing “on many occasions, he has proved himself an indisciplined Constable” has slapped an order of dismissal from service from the force. The record does not show as to whether any show cause notice proposing extreme penalty of dismissal from service was given to the petitioner in light of the inquiry report and past incidents. What appears to have been given is, only a copy of the inquiry report.

24. According to us, since any specific notice proposing a major penalty of dismissal from service was not given, an order of dismissal from service could not have been passed, we feel so because unless a delinquent is put to notice about the punishment which the disciplinary authority is going to award, he cannot be expected to make a submission about the proportionality of the punishment.

25. The order of the Disciplinary Authority shows that the petitioner did not make a representation. It may be because of the fact that the petitioner never anticipated that the Disciplinary Authority would take into account his past conduct and would inflict the extreme order of dismissal from service which is career death and practically a civil death in the case of a government servant.



26. The Appellate Authority and the Revisional Authority have not considered such arguments of the petitioner and have cursorily rejected his appeal and revision. The orders passed by the Disciplinary Authority and the orders of Appellate Authority and Revisional Authority are thus contrary to law and liable to be set aside.

27. Notwithstanding, what we have observed in preceding para, according to us, the impugned orders are liable to quashed and set aside for yet another reason-the disciplinary authority has taken into consideration previous incidents of consumption of liquor, whereas the charge sheet in question dealt with a solitary incident of 21.07.2005. The finding of the Inquiry Officer was obviously related to the incident of 21.07.2005 which according to us could not have taken into account. The previous incidents or alleged past misconduct cannot be taken cognizance of in the manner as had been done by the respondents. A look at the order of the Disciplinary Authority shows that he had observed that the petitioner was habitual of showing indiscipline and on many occasions he had proved himself an indisciplined Constable.

28. According to us, such general remark of showing indiscipline and being habitually indisciplined without even if the indiscipline had been exhibited by the petitioner, is clearly contrary to principles of natural justice, apart from being arbitrary. If at all there were similar past incidents, since neither any notice had been given to the petitioner nor the charge sheet made a reference to such incidents, the Disciplinary Authority could not have taken cognizance of such incidents to impose the extreme punishment,



simply with a view to justify imposition of extreme penalty of dismissal from service.

29. Both these contentions were raised before the Appellate and Revisional Authority, but the same have been rejected cursorily.

30. So far as arguments of learned counsel for the petitioner that no major penalty can be imposed under section 11(1) of the Act of 1949 is concerned, we would make a reference of the judgment passed by Hon'ble the Supreme Court in **Ram Karan (supra)**, particularly para 17 thereof, wherein Hon'ble the Supreme Court has clarified the legal position.

"17. The use of words 'in lieu of, or in addition to, suspension or dismissal', appearing in Section 11(1) clearly indicates that the authorities mentioned therein are empowered to award punishment of suspension or dismissal to member of the force who is found guilty and in addition to, or in lieu thereof, the punishment mentioned in clause (a) to (e) may also be awarded."

31. That apart, upon perusal of the Rule 27 and Section 11(1) of the Act of 1949, the instructions issued by the CRPF from time to time, we are unable to find that how consumption of liquor can entail major punishment. Be that as it may, even if it is assumed that the incident of consumption of liquor on duty can call for imposition of major penalty, according to us, extreme penalty of dismissal from service is highly disproportionate to the misconduct involved and it would shock the conscience of writ court.

32. Removing or dismissing an employee from service maybe in the case of disciplinary force cannot be countenanced for such incidents. The order of dismissal being extremely harsh, in the present case deserves to be quashed and set aside, which we hereby do.

33. However, since the Inquiry Officer had recorded a finding and proved



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the charge of consumption of liquor true, we substitute the penalty of dismissal from service to stoppage of two annual grade increments, instead of remanding the matter back to the disciplinary authority, as the petitioner has already suffered dismissal for 20 years.

34. The petition is, therefore, allowed; order dated 06.12.2005 passed by the Discipline Authority, the order of the Appellate Authority dated 09.03.2006 as well as the order of the Revisional Authority dated 24.08.2006 are hereby quashed and set aside.

35. The respondents are directed to reinstate the petitioner forthwith. However, instead of getting the entire monetary benefit consequent to his reinstatement, the petitioner shall get 50% of the salary and allowances (which do not relate to the discharge of duties since he has not remained on duty). He shall not be entitled for the allowances which directly relates to discharge of duties, such as Uniform Allowance and Hard Duty Allowance, etc.

36. The petitioner be reinstated forthwith latest by 01.01.2026 and his monetary benefits be paid latest by 31.03.2026, else they shall carry interest at the rate of 6% per annum.

(DINESH MEHTA)
JUDGE

(VIMAL KUMAR YADAV)
JUDGE

NOVEMBER 12, 2025/nk