



2025:DHC:7117-DB



\$~35

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

Date of decision: 12th AUGUST, 2025

IN THE MATTER OF:

+ **W.P.(C) 13179/2019**

RAVINDER KUMAR

.....Petitioner

Through: Mr. Ankur Chhibber, Mr. Anshuman
Mehrotra, Advocates

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr Nirvikar Verma, SPC for UOI
with Mr. Kishan Kumar, AC, SI
Rahul Sinha, SI Manjunath, CISF

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. The Writ Petitioner has approached this Court by filing the instant Writ Petition with the following prayers:-

“(i) Issue a writ of certiorari for quashing of order dated 07.01.2019 to the extent whereby the services of the petitioner was proposed to be regularized on the principle of no work no pay and for quashing of order dated 25.07.2019 whereby the representation of the petitioner dated 03.03.2019 was rejected; And

(ii) Issue a writ of mandamus directing the respondents to regularize the intervening period as spent on duty in light of Rule 54(4) & 54-A(1) of FRSR



*and grant the petitioner complete back wages along with all consequential benefits; Or
(iii) Pass any such orders as the Hon'ble Court may deem fit in the light of above mentioned facts and circumstances of the case.”*

2. Shorn of unnecessary details, the facts of the present Writ Petition are as under:-

- a) The Writ Petitioner (hereinafter referred to as “**Petitioner**”) applied for the post of Constable (GD) in CISF and subsequent being eligible he was enrolled on 27.08.2001.
- b) It is pertinent to mention that somewhere in 2003, one Smt. Raj Bala filed a case under Sections 498A and 323 of the Indian Penal Code (“**IPC**”) along with the relevant provisions of Dowry Prohibition Act, 1961 against the Petitioner claiming herself as wife of the Petitioner. The said Complaint was dismissed as withdrawn in December, 2013.
- c) It is stated that it is the case of the Petitioner that in July, 2007 he got married to Smt. Gyanti Devi. The Respondents were informed about the marriage and necessary entries were made in the service book of the Petitioner. Pursuant to thereof, the Petitioner was promoted to the rank of Sub-Inspector in the year 2010.
- d) It is stated that the said Smt. Raj Bala on coming to know about the marriage of the Petitioner, filed a divorce case against him which was subsequently withdrawn by the said Smt. Raj Bala on 13.09.2011. It is also stated that when the Petitioner was posted at West Bengal Airport, Smt. Raj Bala filed another Complaint against



the Petitioner for grant of maintenance before the Learned AC.J.M, Muradabad, Uttar Pradesh. An allegation was also made against the Petitioner that he had entered into a second marriage with Smt. Gyanti Devi.

e) On receiving the said Complaint, a chargesheet was issued by the Respondents against the Petitioner vide Memorandum (“bearing No.V-15014/NSCBLA(K)/Disc/Maj-01(RK)/2012/3001”) dated 03.04.2012, on the ground that the Petitioner had committed grave misconduct by contracting two marriages, one with Smt. Raj Bala and during the subsistence of the said marriage, entered into second marriage with Smt. Gyanti Devi, which is in violation of Rule 18 of the CISF Rules, 2001 and Rule 21 of Central Civil Services (Conduct) (Rules), 1964. Certain documents were sought for, by the Petitioner in order to respond in a proper manner to the charge Memorandum but, the said request of the Petitioner was ultimately rejected by the Respondents.

f) The Petitioner thereafter filed a Writ Petition (Civil) No. 9925/2012 titled as “*Ravindra Kumar vs UOI*” for quashing of the chargesheet in the High Court of Judicature at Calcutta.

g) *Vide* Order dated 30.07.2012, the said chargesheet was quashed by the High Court of Judicature at Calcutta holding that since the Respondents even before the commencement of the enquiry in the chargesheet itself had already come to a finding of guilt against the Petitioner, the chargesheet cannot be sustained.

h) In compliance of the said Order, the chargesheet vide Memorandum (“bearing No.V-15014/NSCBLA(K)/Disc/Maj-



01(RK)/2012/3001”) dated 03.04.2012, was cancelled by the Respondents vide Memorandum (“bearing No.V-15014/NSCBLA(K)/Disc/Maj-01(RK)/2012/7897”) dated 10.09.2012, whereas, reserving the right to issue fresh Memorandum of charge against the Petitioner in accordance with law. Thereafter, a fresh Memorandum of charge was issued on 11.09.2012 on the ground of suppression of information regarding marital status at the time of appointment of the Petitioner as Constable (GD).

i) The 2nd chargesheet dated 11.09.2012, was also challenged by the Petitioner in Writ Petition (Civil) No. 22893/2012 in the High Court of Judicature at Calcutta. However, on this occasion, the High Court of Judicature at Calcutta *vide* Order dated 18.10.2012, dismissed the said Writ Petition and directed the Petitioner to participate in the departmental inquiry in accordance with the CISF Act and Rules.

j) While the inquiry was pending, the Petitioner filed a Civil Suit in Main Petition No. 225/2012 in the court of Civil Judge (J.D.) Moradabad, Uttar Pradesh for a declaration that the Petitioner was not married to the said Smt. Raj Bala.

k) *Vide* Order dated 16.12.2014, an ex-parte decree was passed in favour of the Petitioner declaring that the marriage between the Petitioner and Smt. Raj Bala had not been performed as per rites and rituals at any point of time, therefore, Smt. Raj Bala was not the legally wedded wife of the Petitioner.

l) It is pertinent to mention here that the Order dated 18.10.2012, of the Hon’ble Single Judge of the Calcutta High Court dismissing



the Writ Petition (Civil) No. 22893/2012 wherein, directing the Petitioner to participate in the departmental inquiry in accordance with the CISF Act and Rules was challenged in Appeal in MAT No. 1932/2012 in the High Court of Judicature at Calcutta. The Division Bench of the Calcutta High Court dismissed the said Appeal *vide* Order dated 25.04.2017, however, reserving the right of the Petitioner to defend the departmental proceedings by bringing the fact of preference of the suit in Main Petition No. 225/2012 in the court of Civil Judge (J.D.) Moradabad, Uttar Pradesh and the decree dated 16.12.2014, passed in the same to the notice of the disciplinary authority. The High Court had also directed the Respondents to consider the effect of the said decree holding that the marriage between the Petitioner and Smt. Raj Bala had not been performed as per rites and rituals at any point of time.

m) In the meanwhile, the departmental proceedings had been commenced against the Petitioner. In the interregnum, Smt. Raj Bala who had filed a Complaint of domestic violence against the Petitioner, withdrew the same. Pursuant thereto, the Petitioner filed a reply to the chargesheet forwarded by the Respondents, however, despite the fact that all the petitions filed by Smt. Raj Bala had concluded in favour of the Petitioner and one of them had been withdrawn and that the Civil Judge (J.D.) Muradabad, Uttar Pradesh, had already declared that the Petitioner had not married to the said Smt. Raj Bala as per rites and rituals at any point of time - the departmental enquiry went against the Petitioner and the Petitioner *vide* Order dated 07.10.2017, was dismissed from service.



n) The said Order was challenged by the Petitioner by filing an Appeal before the I.G. of the Airport Security. However, the said Appeal was dismissed on 04.01.2018, which was the subject matter of a Revision Petition dated 23.03.2018, before the Appropriate Authority.

o) Pending the Review Petition, the Petitioner approached this Court by filing Writ Petition (Civil) No. 12538/2018 for a direction to the Revisional Authority to decide the aforesaid Revision Petition. However, the instant Revision Petition was dismissed *vide* Order dated 06.11.2018, by passing the following Order, which reads as under:-

“6. AND WHEREAS after careful examination of the DE files, submissions made by the petitioner in his revision petition as well as relevant material on record, I find that during disciplinary proceeding, it was clearly established that the petitioner had contracted marriage with lady Constable Gyanti Kumari, while his first wife Rajbala is alive. Even in the Preliminary Enquiry, which is a listed document of this proceeding and conducted by the PW-II, Inspector/Exe Bijender, the petitioner himself accepted that his first marriage was solemnized with Smt Rajbala in 1998 and he entered into second marriage with Lady Constable Gyanti Kumar in 2019 as no child was born out from his first marriage. The petitioner also signed a compromise document with Smt. Rajbala (PW-I) vide affidavit dated 26.12.2003 wherein he accepted the facts of marriage with Smt. RajBala. Based on the statements of PWs and Exhibits and other records produced during course of enquiry, the charges levelled against the petitioner are found proved.



7. AND WHEREAS, I find that the disciplinary proceedings have been conducted following the laid down procedure. The pleas put forth by the petitioner in the instant revision petition are found to be bereft of merit. The penalty awarded to him is quite commensurate with the proven misconduct. The petitioner has not brought out any new fact which may change the complexion of the case requiring my interference in the matter.

8. NOW THEREFORE, I find no reason, whatsoever, to interfere with the orders passed by the Disciplinary and Appellate Authorities and, therefore, reject the revision petition dated 23.03.2018.”

p) Thereafter, a Division Bench of this court in Writ Petition (Civil) No. 12538/2018 *vide* Order dated 26.11.2018 disposed of the instant Writ Petition and set aside the re-visioning Order dated 06.11.2018, by passing the following Order, which reads as under:-

“9. In that view of the matter, the order dated 6th November 2018 passed by the Revisional Authority is hereby set aside. The Revision Petition of the Petitioner is once again directed to be placed before the Revisional Authority which is directed to deal with the specific ground raised by the Petitioner concerning the decree of the Civil Court and take a fresh decision in accordance with law within six weeks from today. The fresh decision, of the Revisional Authority, uninfluenced by the earlier order dated 6th November 2018 will be communicated to the Petitioner not later than one week thereafter. If the petitioner is still aggrieved by the decision of this Court, It is open to him to seek appropriate remedies in accordance with law.”

q) In compliance of the Order passed by a Coordinate Bench of this



Court on 26.11.2018 in Writ Petition (Civil) No. 12538/2018, the Petitioner *vide* Order dated 07.01.2019, passed by Directorate General Central Industrial Security Force (Ministry of Home Affairs), was exonerated of the charges and hence, reinstated into service. The entire Order is being reproduced as under:-

Order

“WHEREAS, No.014380125 Ex-SI (Exe) Ravindra Kumar (hereinafter referred to as the petitioner) formerly of CISF Unit SSG Greater Noida was dealt with departmentally under Rule-36 of CISF Rules,2001 vide charge memorandum No.V-15014/ NSCBIA (K)/ Disc/ Maj -03(RK)/2012-7929 dated 11th Sept,2012 for the following charges:-

Article-I

An act of grave misconduct, in that No.014380125 SI (Exe) Ravindra Kumar of CISF ASG NSCBIA Kolkata is alleged to have entered into, or contracted, a marriage with Lady Constable Gyanti Kumari, when his spouse Smt. Rajbala with whom he is alleged to have been married in 1998 is living. The alleged act, if proved, is in violation of Rule 18 of CISF Rules-2001 and Rule 21 of Central Civil Service (Conduct) Rules 1964.

Article-II

No.014380125 SI (Exe) Ravindra Kumar of CISF ASG NSCBIA Kolkata got appointment in CISF in the year 2001 as Constable. At the time of his recruitment he has been alleged to have suppressed the information that he was married to Smt. Rajbala in the following documents:-

(i) Attestation form filled by him dated 23.07.2001.



(ii) Form of "Declaration to be obtained from new entrants to Government Service" filled by him dated 30.08.2001.

(iii) Form -3; See Rule-54 (12) of CCS Pension Rule Details of Family filled by him dated 30.08.2001.

2. AND WHEREAS, the petitioner challenged the above Charge Memorandum dated 11.09.2012 by filing Writ Petition No. 22893/2012 in the Hon'ble High Court of Calcutta and the Court dismissed his Writ Petition vide JO dated 18.10.2012. Thereafter, he filed appeals No. 1932- 1900/2012 and application CAN 11232 to 11234/2012 in the matter and the Hon'ble High Court disposed of the same vide JO dated 25.04.2017. The Hon'ble Court did not find any reason for interference with the orders impugned in the appeals.

3. AND WHEREAS, in a duly conducted departmental enquiry, the charges levelled against the petitioner were found to be proved and the Disciplinary Authority, i.e. DIG CISF Unit SSG Greater Noida awarded him penalty of "Dismissal from service", vide order dated 07.10.2017.

4. AND WHEREAS, aggrieved with the aforesaid order, the petitioner preferred an appeal petition to the Appellate Authority i.e. IG (Airport Sector) New Delhi who considered and rejected the same being devoid of merit, vide order dated 03.01.2018.

5. AND WHEREAS, not satisfied with the aforesaid orders passed by the Disciplinary and Appellate Authorities, the petitioner preferred Revision petition dated 23.03.2018 to the DG CISF who considered and



rejected the same, vide order dated 06.11.2018.

6. AND WHEREAS, the petitioner filed W.P.(C) 12538/2018 before the Hon'ble High Court of Delhi mainly on the ground that he was never married to Smt. Rajbala at any point of time which was finally heard by the Hon'ble High Court on 26.11.2018. The Hon'ble High Court has made following observations while disposing of the Writ Petition:-

The main ground of challenge by the Petitioner to his dismissal order is that he was never married to Smt. Rajbala at any point in time. The two factors pointed out by the Petitioner are that Smt. Rajbala withdrew the Criminal complaint filed under Sections 498A and 323 of Indian Penal Code. Importantly the Petitioner had filed a suit for declaration in which a decree was passed in 16 December 2014 whereby the Civil Judge (JD Moradabad) decreed that the marriage between the Petitioner and Smt Rajbala was not performed as per rites and rituals at any point in time and therefore Smt. Rajbala was not a legally wedded wife of the Petitioner. This decree of the Civil Court has attained finality.

In his Revision Petition, the Petitioner had drawn the attention of the Respondent to the above facts and requested for reconsideration of the dismissal order.

The fact of the matter is that there is a decree by a Civil court which does not appear to have been upset by any superior Court. Whether it is an ex-parte order or not is not the concern of the Appellate Authority. The Appellate Authority is bound to take into account the said decree of the Civil Court which is categorical about the fact



that the petitioner was not married to Smt. Rajbala. It is not for the Revisional or Appellate Authority to sit in appeal over the decree of the Civil Court. Unless the said decree is upset in an appeal by the aggrieved party and such order is produced, the Revisional or Appellate Authority has to proceed on the basis that the civil decree is valid. In view of the matter, the order dated 6th November 2018 passed by the Revisional Authority is hereby set aside. The revision petition of the petitioner is once again directed to be placed before the Revisional Authority which is directed to deal with the specific ground raised by the Petitioner concerning the decree of the Civil Court and take a fresh decision in accordance with law within six week from today. The fresh decision of the Revisional Authority, uninfluenced by the earlier order dated 6th November 2018 will 'be communicated to the Petitioner not later than one week thereafter. If the petitioner is still aggrieved by the decision of this Court, it is open to him to seek appropriate remedies in accordance with law.

7. AND WHEREAS, Smt. Rajbala had submitted a complaint to the Director General, CISF Delhi on 06.02.2012 alleging that she was married with the petitioner in the year 1998 as per Hindu rituals and she had come to know that her husband has contracted a second marriage. She inter alia requested to direct her husband to give her maintenance allowance.

8. AND WHEREAS, a preliminary enquiry was got conducted in which the petitioner himself admitted that he had contracted marriage with Smt Rajbala in the year 1998 and since there was no issue from their marriage, he solemnized second marriage with Mrs Gyanti Kumari.



9. AND WHEREAS, a regular departmental enquiry was ordered against the petitioner and during the course of enquiry Smt Rajbala had also intimated that she had filed a case No. 305/2003 U/s 498-A, 323 IPG and Dowry Prohibition Act before the- Judicial Magistrate, Sambhal Moradabad against the petitioner and his parents. She had also produced a copy of Undertaking forwarded in judicial stamp papers on 26.12.2003 and 23.01.2014 respectively in which she mentioned that she had filed the aforesaid criminal case as per instructions of her parents whereas her in laws have not demanded dowry. Both agreed that in future they will live in harmony. She also stated that she is withdrawing the case without any duress. She had produced the above documents during the course of DE which were taken into account. Smt. Rajbala had also produced five photographs in support of her marriage with Ravinder Kumar. In these photographs, Ravinder Kumar & Rajbala are sitting together solemnizing marriage as per Hindu rites and rituals.

10. AND WHEREAS, the petitioner had filed a civil suit against Smt Rajbala seeking declaration that there was no valid marriage between them. The Hon'ble Civil Judge (JD), Moradabad heard the arguments of the petitioner only as Smt. Rajbala did not appear in the Court. The petitioner produced documentary evidence in favour of his marriage with Gyanti Kumari. The Civil Judge (JD) Moradabad accordingly issued an ex-parte decree declaring that there is no valid marriage between the petitioner and Smt. Rajbala in accordance with Hindu rituals & customs.

11. AND WHEREAS, in the regular departmental enquiry based on the oral and documentary evidence, the charges were proved against the petitioner that he had contracted marriage with lady Constable Gyanti



Kumari, while his first wife Rajbala is alive.

12. AND WHEREAS, the Order of Civil Court Moradabad dated 16.12.2014 decreed that the marriage between the Petitioner and Smt Rajbala was not performed as per Hindu rites and rituals at any point in time and the marriage is not legally valid. Further, the said order passed by the Civil Court (JD) Moradabad was not challenged by Smt Rajbala before higher court and is therefore binding. Hence in pursuance of the directions of the Hon'ble High Court Delhi, I had a fresh look at the entire record/documents including the decree dated 16.12.2014 passed by the Hon'ble Civil Judge Moradabad. On consideration of facts and circumstances of the case I hereby exonerate the petitioner from the charges and set aside the orders passed by the Disciplinary and the Appellate Authority.

13. NOW, THEREFORE, I hereby reinstate the petitioner in service and direct him to report to IG /NCR, within 15 days from the date of receipt of this order. If he fails to report for duty within the stipulated period, it will be presumed that he is no more interested to serve in CISF and this order of reinstatement will be treated as withdrawn.

14. The, intervening period from the date of dismissal from service to the date of joining-on reinstatement is proposed to be regularized on the principle of no work no pay. The petitioner is given an opportunity to submit his representation against the proposal within one month of joining die duty on reinstatement and decision in this regard will be taken after consideration of the representation, if any, submitted by the petitioner or after expiry of the period of one month, as the case may be.”



- r) The Order dismissing the Petitioner from service was withdrawn by the Respondents, but the Petitioner's reinstatement to the service was proposed to be regularized on the principle of "no work no pay". The Petitioner was given an opportunity to submit his representation against the proposal within one month of joining the duty on reinstatement.
- s) Pursuant thereto, the Petitioner submitted a Representation dated 03.03.2019, to regularize his dismissal period as on duty instead of "no work no pay". By an Impugned Order dated 25.07.2019, the Petitioner's request for full payments and allowances was rejected by the Respondents which is the subject matter of the captioned Writ Petition.
3. The learned counsel for the Petitioner placed reliance on FR-54 to substantiate his contentions.
4. The relevant provisions - FR 54(2) & 54(3), are reproduced hereinbelow for ease of reference, which reads as under:-

"54(2). Where the authority competent to order reinstatement is of opinion that the Government servant who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government servant had been delayed due to



reasons directly, attributable to the Government servant it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

54(3). In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.”

5. Learned Counsel for the Petitioner draws the attention of this Court to FR 54 and FR 54(2) and states that the Petitioner has been fully exonerated of all the charges, thereby entitling him to the entire benefits of 54 & 54(2).

6. Per contra, learned Counsel appearing for the Respondents draws attention of this Court to the statement of the Petitioner to contend that during the enquiry the Petitioner had accepted the fact that his marriage was solemnized in 1998 when he was sixteen and a half years of age, and since, the Petitioner has himself accepted the fact that he was married, he would not be entitled to any benefit during the period of suspension, and therefore, “no work no pay” principle must be applicable. This Court is not inclined to accept the reasons given by the Respondents. As rightly pointed out by the Counsel appearing for the Petitioner that the Petitioner has been fully exonerated of all the charges and a bare perusal of the Revisional Order dated 07.01.2019, indicates that the Revisional Authority had relied on the



Order of the Civil Court dated 16.12.2014, wherein the Civil Court, Moradabad in the Civil Suit filed by the Petitioner had passed a decree stating that the marriage had not been performed as per Hindu rites and rituals at any point and the marriage was not legally valid. The said Order has not been challenged by Smt. Raj Bala and therefore, it is binding.

7. In view of the said Judgment of the Court of Competent Jurisdiction which has given a declaration that the marriage had not been validly performed with stands accepted by the Authorities, the entire edifice of the case against the Petitioner falls.

8. The Revisional Authority on considering the facts and circumstances of the case passed the following Order, which reads as under:-

“12. AND WHEREAS, the Order of Civil Court Moradabad dated 16.12.2014 decreed that the marriage between the Petitioner and Smt Rajbala was not performed as per Hindu rites and rituals at any point in time and the marriage is not legally valid. Further, the said order passed by the Civil Court (JD) Moradabad was not challenged by Smt Rajbala before higher court and is therefore binding. Hence in pursuance of the directions of the Hon'ble High Court Delhi, I had a fresh look at the entire record/documents including the decree dated 16.12.2014 passed by the Hon'ble Civil Judge Moradabad. On consideration of facts and circumstances of the case I hereby exonerate the petitioner from the charges and set aside the orders passed by the Disciplinary and the Appellate Authority.”

(emphasis supplied)

9. Therefore, in a nutshell, taking in view of the order of the Revisional Authority granting complete exoneration to the Petitioner from the charges



and applying the principle of preponderance of probability, it cannot lie in the mouth of the Respondents that the Petitioner has not been fully exonerated and if the Petitioner is fully exonerated, the Petitioner gets automatically entitled to FR 54(2).

10. Though in the Prayer, the Petitioner has placed reliance on FR 54 A-1, in the opinion of this Court FR 54 A-1 will only apply in cases of resolving by Court of law, whereas, FR 54(2) which is applicable here, applies to exoneration by an authority competent to order reinstatement i.e. cases of resolving by competent authority.

11. Ignoring the said infirmity in the prayer, this Court is inclined to grant full pay and allowances, which the Petitioner is entitled to under the benefit of FR 54(2) and the service cannot be treated as *dies non*.

12. The Writ Petition is allowed in the aforesaid terms. Pending application(s), if any, stand disposed of.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 12, 2025

Prateek