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

+ W.P.(C) 4831/2026
GAURAV SINGH

.....Petitioner

Through: Mr. Shiv Nath Bind, Mr. Wakil
Kumar and Ms. Bushra Khatun,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Gaurav Sharma, SPC along
with Ms. Manpreet Kour, Adv.
and Asst. Comdt. Surinder
Singh, Mr. Kumar Gaurav and
SI Rahul Sinha – CISF.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.04.2026

1. Through the present writ petition, the Petitioner essentially seeks to challenge the correctness of order dated 26.03.2025 (hereafter '**impugned order**'), passed by Respondent No. 5 (Assistant Commandant, CISF Unit NAPS Narora), whereby a punishment of deduction of 5 days' pay was imposed on the Petitioner.

2. Briefly stated, the Petitioner was appointed as a Constable in CISF in the year 2010. On 09.02.2024, charge memorandum was issued against the Petitioner alleging as under:

"Force No. 104473779 Constable/GD Gaurav Singh, posted in the Plant Contingent of CISF Unit NAPS Narora, was deployed at Watch Tower No. 03 during the first shift on 25.12.2023. While drawing weapons from the Kote for the first shift, the force member interfered in an ongoing argument between the Shift in-charge. Force No. 110406918 Sub-Inspector/Exe Mohini Devi, and Force No. 130800422 ASI/Exe Pooja (wife of Constable/GD Gaurav



Singh), who was also deployed in the first shift. He told his wife, ASI/Exe Pooja, not to argue and used words like 'I will see you later' toward SI/Exe Mohini Devi (Shift In-charge). As a member of a disciplined armed force, interfering between senior officers during duty and using threatening words like 'I will see you later' toward SI/Exe Mohini Devi reflects gross indiscipline toward duty. Hence, the charge."

3. By way of order dated 28.05.2024, a penalty of "Fine equivalent to five days' pay" was imposed on the Petitioner, which was upheld in appeal, but set aside by the Revisional Authority with directions to the Disciplinary Authority to provide all relevant documents to the Petitioner and to provide reasonable time to him to file a written representation before passing a fresh order.

4. Subsequently, pursuant to the Petitioner's request, a personal hearing was conducted on 08.01.2025, whereafter, he was directed to request any additional necessary documents or submit a written representation. The Petitioner submitted his written representation. After receiving the additional documents as requested by him, the Petitioner submitted a detailed reply *inter alia* requesting for opportunity to cross-examine the witnesses. By way of the impugned order, after appraising all the relevant documents, Respondent No.5 found that the conduct of the Petitioner demonstrated gross indiscipline towards duty and he could not be allowed to cross-examine witnesses from the preliminary inquiry as he had failed to join the same despite multiple opportunities. The said punishment was maintained subsequently in appeal as well as in revision proceedings preferred by the Petitioner.

5. It is stressed by the counsel of the Petitioner that he has been falsely implicated along with his wife with an intent to harass them. It is submitted that the Petitioner was not informed regarding the



preliminary enquiry and witnesses were also examined without informing him. It is further submitted that the CCTV footage of the incident was not provided to the Petitioner and certain witnesses—ASI/EXE Hari Singh and HC Krishna Chand did not even support the allegations.

6. The learned counsel for the Respondents contested that other cases preferred by the Petitioner and his wife are pending in Allahabad High Court and appropriate penalty has been imposed on the Petitioner after following proper procedure.

7. On this, the learned counsel for the Petitioner submitted that the proceedings in Allahabad High Court do not relate to the concerned charge memorandum.

8. We have heard the counsel and perused the record.

9. Before delving into the facts of the present case, it is pertinent to note that the scope of judicial review under Article 226 of the Constitution of India is very limited. This Court in exercise of power under Article 226 does not sit in appeal over the findings recorded by the Disciplinary Authority and assume the role of an Appellate authority or Revisional Authority. It would be improper for this Court to interfere with the findings of the competent authorities by substituting its own opinion as a matter of routine. Reappreciation of evidence and arrival of findings of facts is thus impermissible unless the findings are shown to be perverse or patently illegal.

10. It is imperative to note that the alleged incident took place in Uttar Pradesh and the Appellate Authority was also stationed in Uttar Pradesh. Despite having invoked the jurisdiction of Allahabad High Court on earlier occasion in respect to punishment imposed on him, the Petitioner has now approached this Court stating that he is



currently posted in Delhi. It is pertinent to note that certain writ petitions filed by the Petitioner and his wife are still pending before Allahabad High Court, which makes the present Court *forum non conveniens*. However, on the insistence of the Petitioner, this Court considers it apposite to take up the case on merits.

11. The case of the Petitioner is essentially helmed on the argument that he has been denied a fair opportunity to defend himself, which warrants setting aside of the punishment imposed on him.

12. Perusal of the impugned order as well as orders of the Appellate Authority and Revisional Authority indicate that the Petitioner was granted *multiple* opportunities to defend himself but he failed to participate in the inquiry. The impugned order records that the Petitioner was repeatedly informed *via* the Unit Control Room through several messages and diary entries as well as through specific inquiry notices about the preliminary enquiry. It appears that the Petitioner deliberately evaded the process with an intent to first protract the proceedings and later to reap benefit of his deliberate absence when the witnesses were being examined. The Petitioner cannot be allowed to endlessly make such requests under the garb of fair procedure.

13. Furthermore, although it is argued that certain witnesses have not supported the allegations, a perusal of the statements of the concerned witnesses, who are eye witnesses, shows that they have duly deposed that the Petitioner had intervened in the quarrel between his wife and SI Mohini Devi, and made the alleged threatening comment. A *prima facie* case is made out against the Petitioner.

14. Much emphasis has also been placed on the non-production of the CCTV footage. Pertinently, it has been clarified that the incident



happened *outside* the coverage of the CCTV camera. Moreover, the Petitioner was also granted an opportunity to inspect the SOP of the Kote and Control Room CCTV recordings *before* the punishment was imposed on him for the first time. Even if it is assumed that the relevant CCTV footage was not preserved, once the witnesses have substantively supported the allegations, the Petitioner can derive no benefit from the same. It cannot be ignored that the threshold of proof is merely preponderance of probabilities in such proceedings.

15. The quantum of imposed punishment also does not appear to be excessive or unreasonable. Rather, the authorities have taken a rather lenient view so as to give an opportunity to the Petitioner to reform himself.

16. At this juncture, it is also relevant to take note of the conduct of the Petitioner. Although the Petitioner has made vague mention of the pendency of the cases before Allahabad High Court, he has failed to provide proper details of the same.

17. In view of the aforesaid discussion, this Court finds no reason to exercise its extraordinary writ jurisdiction to interfere with the penalty imposed on the Petitioner.

18. The present petition is dismissed in the aforesaid terms.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 13, 2026