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

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Date of Decision : 07.01.2026

+ W.P.(C) 6895/2022
EX. H.C GD VEDPAL

.....Petitioner

Through: Mr. Vinod Dahiya, Mrs. Khushi Dahiya, Ms. Shreya Garg, Mr. Dhruv Khurana, Mr. Bhaskar Dongwal
Advs.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. T.P. Singh, Senior Central Government Counsel with Mr. AC B Pradhan, Insp Sanjay Kumar SI Kamal Singh, for UOI.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO , J. (ORAL)

1. This petition has been filed with the following prayers:

"i. declare the findings dated 01.12.2013 (at ANN P-1), impugned final Order dated 06.01.2014 (at ANN P-2), impugned appellate Order dated 17.04.2014 (at ANN P-3), impugned order dated 04.03.2015 rejecting Revision Petition (at ANN P-4) and impugned Order dated 18.03.2020 (at ANN P-5) passed by respondent" no. 2, as unlawful and hence to quash and set aside the same.

ii. direct the respondents to reinstate the petitioner with all consequential benefits including pay and allowances for the period of removal from service till joining the force, seniority, promotions and other all



benefits.

iii. any other relief which this Hon'ble Court may deem fit and proper in the interest of justice."

2. The petitioner was recruited on the post of Constable/G.D. on 01.01.1987. He was promoted to the rank of Head Constable in December 2008.. It is his case that as per duty deployment register dated 07.06.2013 he was detailed for duty in the area of Bhalgoda Railway sliding W/Bridge during the night intervening 08.06.2013 and 09.06.2013. The petitioner was performing his duty when at about 03:30 AM, 12 to 14 unknown armed persons, apprehended Ct. Sunil Kumar and tied him to a tree at some distance with a rope and gagged him with a cloth.

3. It is stated that on the same day Inspector B N Patra gave a written complaint about the said incident to the Police Post Burra Garh O.P incharge in P.S Jharia and also the area manager (Admn.) Bharat Coking Coal Ltd. An FIR No. 0241 dated 09.06.2013 under Section 461/382 was registered.

4. It was thereafter, that a preliminary enquiry was conducted and statements of the Officials were recorded on 09.06.2013 and 10.06.2013. Additionally, on 26.06.2013, the area manager/Admn. of the said unit sent a list of articles stolen by the thieves during the night intervening between 08.06.2013 and 09.06.2013. After which a second preliminary enquiry was conducted by the Deputy Commandant and departmental proceedings were initiated against the petitioner. The departmental enquiry concluded with the disciplinary authority ordering the removal from service of Sunil Kumar and compulsory retirement of HC GD Vedpal being the petitioner herein.

5. The petitioner has challenged, the findings of the enquiry report dated 01.12.2013, the final orders of penalty dated 06.01.2014; the findings of the



appellate authority rejecting the appeal of the petitioner dated 26.12.2013, the findings of the authority rejecting the revision petition of the petitioner dated 04.03.2015 and the order dated 18.03.2020 pursuant to the directions of this Court on 31.01.2020.

6. Mr. Vinod Dahiya, learned counsel appearing for the petitioners has strongly contended that there are discrepancies in the disciplinary enquiry in as much as the same was conducted with a premeditated mind to hold the petitioner guilty of the misconduct. He further submitted that certain material witnesses had not been examined. The disciplinary enquiry suffers from defects.

7. On the other hand, learned counsel for the respondents would justify the order passed by the disciplinary authority and also the higher authorities. According to him the revision order has been passed after this Court had remanded the matter to the revisional authority only on the aspect of penalty. According to him, the revisional authority has passed a detailed/reasoned order justifying penalty of compulsory retirement passed against the petitioner. Keeping in view the seriousness of the misconduct, more particularly, the petitioner belonged to a disciplined force the penalty is justified.

8. Having heard the learned counsel for the parties, at the outset it may be stated, it is an admitted case of the petitioner that he had approached this court earlier in W.P.(C) 3220/2017 impugning the disciplinary proceedings initiated against him which resulted in the penalty of compulsory retirement. The said petition was disposed of by this Court vide order dated 31.01.2020 wherein the Court has stated as under:



“1. The Court has heard learned counsel for the parties and examined the enquiry reports. In light of the statements made by the witnesses, and the internet logs, the Court is satisfied that no interference is called for, as far as the finding of guilt of the Petitioners is concerned.

2. However, on the question of punishment, the Court notes that while the punishment awarded to HC/GD Vedpal is of compulsorily retiring him from service with consequential benefits, the punishment awarded to Ct./GD Sunil Kumar, is that of removal from service. As far as Sunil Kumar is concerned, he was a new recruit, with no previous track record of any misconduct. As far as Ex.HC/GD Vedpal is concerned, learned counsel for the Respondents referred to “various instances”, which do not appear to have been actually discussed in the order imposing the penalty.

3. In that view of the matter, the Court directs that both these cases be placed again before the Revisional Authority to examine whether a lesser punishment can be awarded, keeping in view the previous track record of each of the Petitioners. A decision be taken afresh, uninfluenced by the earlier decision on punishment, not later than eight weeks from today. The consequential orders be communicated to each of the Petitioners by the Respondents, within a further period of two weeks. If aggrieved, it will be open either one or both Petitioners, to seek appropriate remedies in accordance with law.”

9. Having noted the order passed by this Court the remand to the revisional authority was only in respect of penalty imposed on the petitioner. Insofar as the finding of guilt of the petitioner is concerned the same has been approved by this Court in the previous writ petition. The petitioner has not challenged the said order before the higher forum. If that be so, the issue



raised by the petitioner falls in a narrow compass, whether the penalty of compulsory retirement imposed on the petitioner is justified. The revisional authority in the impugned order has in paragraphs 6 and 7 has retained the penalty of compulsory retirement imposed on the petitioner by stating as under:

“06. AND WHEREAS, keeping in view of judgement order dated 31.01.2020 of Hon'ble High Court of Delhi the case of No.874380833 Ex-HC/GD Ved Pal, formerly of CISF Unit BCCL Dhanbad has been re-examined. On perusal of the case files and evidences held with the case file, it is evident that during the course of enquiry the charges levelled against the petitioner have been proved beyond doubt. It is revealed from the case file that he was deployed for 'C' shift duty at railway siding duty post of BCCL Kustore Bhargora Area office in the intervening night of 8/9.06.2013. After completion of duty when the petitioner was returning to camp in the morning of 09-06-2013 at about 0530 hrs, he came to know from ASI/Exe S P Singh, (Post Commander/PW-2) that some miscreants had committed theft of plant property by breaking the locks of 8 rooms from the assigned duty area of Const. Sunil Kumar. Then the petitioner with the help of other co-accused tied Constable Sunil Kumar with rope to a tree and made up a concocted story of how Constable Sunil Kumar was tied up by the miscreants, suppressing the factual information from the higher authorities. During the course of preliminary enquiry, the petitioner himself, as well as his other co-accused viz. Constable/GD Sunil Kumar (PW-01), ASI/Exe S.P. Singh (PW-02) & - Constable/GD Kamal, Narayan (PW-03), have categorically admitted their guilt in their statements. The Disciplinary Authority after due consideration of all the aspects of the case and the enquiry report



wherein the charges levelled against the petitioner has been proved, came to the conclusion that petitioner deserved a stringent punishment, but considering his long service career took a lenient view and awarded him the penalty of "Compulsory retirement from Service" with full pensionary benefits. Further, the Appellate Authority also duly considered his appeal with reference to the evidences held on record and found no merit and thus rightly rejected his appeal being devoid of merit. On going through the previous track record it has been noticed that the petitioner was awarded 01 Major penalty and 04 minor penalties for various misconducts by the different Disciplinary Authorities, but even then, the petitioner did not mend his habit and committed such a grave misconduct, which cannot be overlooked in a disciplined Force like CISF.

07. AND THEREFORE, in pursuance of judgment order dated 31.01.2020 of Hon'ble High Court of Delhi, I have gone through the case file and other material evidences and records which are relevant to the instant case for re-examination. The enquiry has been conducted strictly in accordance with the laid down procedure and no infirmity has been noticed. The petitioner was provided ample opportunity to defend his case. During the course of departmental enquiry the charges levelled against the petitioner had been proved based upon sufficient evidences which emerged during the course of enquiry. From the available evidences it has been found that petitioner was deployed for 'C' shift duty from 2100 hours to 0600 hours at Railway siding duty post of BCCL Kustore Bhalgora Area office in the intervening night of 08/09-06-2013. The petitioner was fully aware of the fact through post commander ASI/Exe S P Singh that some miscreants had committed theft of plant property from the assigned duty area of Constable/GD Sunil Kumar.



It was the prime duty of petitioner to intimate the fact to higher authorities, being a responsible member of the disciplined Force like CISF. But, in the instant case, the petitioner concealed the factual information from the senior officers, and instead, made up a concocted story with the other co-accused to deceive the higher authority by tying up Constable Sunil Kumar with a rope to a tree to make it appear, as if miscreants who were in large numbers (sic), had tied up the constable Sunil Kumar. When the matter was enquired in detail in preliminary enquiry, the petitioner himself as well as his other co-accused viz. Constable/GD Sunil Kumar (PW-1), ASI/Exe S P Singh (PW-2) and Constable/GD Kamal Narayan (PW-03) categorically admitted their guilt in their statements. Thus, by deceiving the senior authority by providing false information and by displaying an unworthy behaviour, he has shown lack of integrity. The petitioner has rendered himself unfit for further retention in the Force, where prime responsibility is securing and protecting government property. Such proven misconduct warrants severe penalty like Dismissal or Removal from the Service. But, in view of his long tenure in the organization, the Disciplinary Authority has already taken a lenient view and awarded him the penalty of "Compulsory retirement from Service" with full pensionary benefits to meet the ends of justice. From the available records, it is found that petitioner has already availed all pensionary benefits from the department and is drawing regular pension. Thus, I found that order passed by the Disciplinary Authority and upheld by the Appellate Authority stands good and does not warrant any interference.

10. The justification given by the revisional authority in upholding the penalty of compulsory retirement is a reasoned one. He has highlighted the



fact that the petitioner has concocted the story of he having been tied with the tree which fact had never happened. So the attempt of the petitioner and the other co-delinquent was to create an incorrect narrative only to escape the charge which has been framed against him/them. We are of the view that the revisional authority having applied its mind again on the aspect of the penalty and retained the penalty of compulsory retirement, the decision cannot be faulted.

11. The scope of judicial interference in departmental enquiries is very limited. We refer to the judgment given by the Supreme Court in the case of ***State of Karnataka v. Umesh, (2022) 6 SCC 563*** wherein it is held as under:

“22. In the exercise of judicial review, the Court does not act as an appellate forum over the findings of the disciplinary authority. The court does not reappreciate the evidence on the basis of which the finding of misconduct has been arrived at in the course of a disciplinary enquiry. The Court in the exercise of judicial review must restrict its review to determine whether:

- (i) the rules of natural justice have been complied with;*
- (ii) the finding of misconduct is based on some evidence;*
- (iii) the statutory rules governing the conduct of the disciplinary enquiry have been observed; and*
- (iv) whether the findings of the disciplinary authority suffer from perversity; and*
- (v) the penalty is disproportionate to the proven misconduct.*

23. However, none of the above tests for attracting the interference of the High Court were attracted in the present case. The Karnataka Administrative Tribunal having exercised the power of judicial review found no reason to interfere with the award of punishment of



compulsory retirement. The Division Bench of the High Court exceeded its jurisdiction under Article 226 and trenched upon a domain which falls within the disciplinary jurisdiction of the employer. The enquiry was conducted in accordance with the principles of natural justice. The findings of the enquiry officer and the disciplinary authority are sustainable with reference to the evidence which was adduced during the enquiry. The acquittal of the respondent in the course of the criminal trial did not impinge upon the authority of the disciplinary authority or the finding of misconduct in the disciplinary proceeding.”

12. We are of the view, the penalty of compulsory retirement imposed on the petitioner is not disproportionate to the charges framed and proved, as the revisional authority has given sufficient justification to uphold/reiterate the penalty of compulsory retirement.

13. Accordingly, this petition is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 07, 2026/rt