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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11806/2025 & CM APPL. 48210/2025

BALRAM SINGH JASWAL

.....Petitioner

Through: Mr. Ankur Chhibber, Mr. Nikunj Arora, Mr. Anshuman Mehrotra, Mr. Arjun Panwar, Mr. Amrit Koul, Ms. Aditi Kapoor and Ms. Muskaan Dutta, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Balendu Shekhar, CGSC with Mr. Krishna Chaitanya, GP and Mr. Divyansh Singh Dev, Adv. for UOI.
Mr Vinod Kumar Talwar, Commandant and Mr Gaurav Porwal, Dt. JAG (SSB).

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.05.2026

1. Through the present writ petition, the Petitioner seeks issuance of a Writ in the nature of Certiorari thereby quashing the Charge Memorandum dated 28.07.2025 issued by the Respondents under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [**'CCS (CCA) Rules'**] against the Petitioner.

2. On 07.08.2025, the following order was passed :

"1. This writ petition seeks stay of disciplinary proceedings following a chargesheet issued to the petitioner, who is a Deputy



Inspector General of Police in the Sashastra Seema Bal, under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965¹.

2. *Mr. Ankur Chhibber, learned Counsel for the petitioner submits that the CCS (CCA) Rules are not applicable to his client.*

3. *We find prima facie force in the submission.*

4. *Rule 3 sets out the scope of application of the CCS (CCA) Rules. Rule 3(1) makes the Rules applicable “to every government servant including every civilian government servant in the defence services.”*

5. *As such, the CCS (CCA) Rules prima facie apply only to government servants or to civilian government servants in defence services.*

6. *“Government servant” is defined in Section 2(h). All the clauses of Section 2(h) cover only a member of a Service or a person holding a civil post under the Union.*

7. *“Service” is defined, in Rule 2(m), as a civil service of the Union.*

8. *As such, prima facie, the CCS (CCA) Rules apply only to*
(i) civilian government servants in defence services,
(ii) a member of a civil service of the Union, and
(iii) a person holding a civil post under the Union.

9. *The petitioner prima facie does not fall within any of these categories.*

10. *On this point being put to Mr. Balendu Shekhar, learned CGSC for the Union of India, he seeks time to take instructions.*

11. *Issue notice to show cause as to why rule nisi be not issued.*

12. *Notice is accepted on behalf of the respondents by Mr. Balendu Shekhar.*

13. *Counter affidavit, if any, be filed within four weeks with advance copy to learned Counsel for the petitioner, who may file rejoinder thereto, if any, within four weeks thereof.*

14. *Re-notify on 10 October 2025 before the Joint Registrar for completion of pleadings.*

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15. *Issue notice.*

16. *Notice is accepted on behalf of the respondents by Mr. Balendu Shekhar.*

17. *Reply, if any, be filed within four weeks with advance copy to learned Counsel for the petitioner, who may file rejoinder thereto, if any, within four weeks thereof.*

18. *Re-notify on 10 October 2025 before the Joint Registrar for completion of pleadings.*

19. *In view of the aforesaid, a prima facie case stands made out in favour of the petitioner. As the CCS (CCA) Rules prima facie do not apply to the petitioner, the balance of convenience is also in the petitioner’s favour. Allowing the proceedings to continue without jurisdiction would clearly result in irreparable*



prejudice.

20. *Ergo, till the next date of hearing, there shall be a stay of further proceedings following the charge memorandum dated 28 July 2025 issued to the petitioner.”*

3. Admittedly, the Petitioner herein is serving as Deputy Inspector General of Police in the Sashastra Seema Bal (**‘SSB’**), which falls within the scope of applicability of the Sashastra Seema Bal Act, 2007 (**‘the SSB Act’**). As per Section 3 of the SSB Act, Officers and Subordinate Officers working in the SSB are governed by the provisions of the SSB Act. Further, as per Chapter VII, the Officials are to be tried in the Force Courts as envisaged in the SSB Act.

4. The Petitioner herein has been chargesheeted under Rule 16 of CCS (CCA) Rules. As already noted in the order dated 07.08.2025, as per Rule 3(1), these rules are applicable *“to every government servant including every civilian government servant in the defence services.”* i.e. civilian government servants in defence services, members of a civil service of the Union, or a person holding a civil post under the Union. Additionally, as per Rule 3(1)(e) of the CCS (CCA) Rules, the matters covered by any special provision are excluded from the purview of CCS (CCA) Rules. Hence, manifestly the charge memorandum could not have been issued under Rule 16 of the CCS (CCA) Rules, as firstly, Petitioner does not fall in any of the above-mentioned post categories and secondly, once the field of disciplinary control and adjudication concerning officers of the SSB is specifically occupied by the special provisions of the SSB Act, recourse to the general provisions of the CCS (CCA) Rules is impermissible.

5. Notably, Section 88 of the SSB Act provides for period of limitation for holding trial in a Force Court, which reads as under :

“88. Period of limitation for trial.—(1) Except as provided by



*sub-section (2), no trial by a Force Court of any person subject to this Act for any offence shall be commenced **after the expiration of a period of three years from the date of such offence.***

(2) The provisions of sub-section (1) shall not apply to a trial for an offence of desertion or for any of the offences mentioned in section 19.

(3) In the computation of the period of time mentioned in sub-section (1), any time spent by such person in evading arrest after the commission of the offence, shall be excluded.

This clause prescribes a three years period of limitation for trial of all offences under the proposed legislation except the offences of desertion and mutiny. (Notes on Clauses)."

6. On a Court question as to why the proceedings under CCS (CCA) Rules, were initiated against the Petitioner, learned counsel representing the Respondents submits that proceedings were initiated against the Petitioner because the limitation for proceeding under the SSB Act had already lapsed. The explanation furnished by the Respondents is totally unacceptable. Permitting initiation of proceedings under a different statutory regime solely because limitation under the competent statute has expired would amount to indirectly defeating the legislative mandate contained in Section 88 of the SSB Act, that too when the Petitioner is admittedly governed by the special act.

7. It has also been pointed out that the Petitioner has been charged for claiming more/false amount than what he had actually spent during his Travel, only for availing Leave Travel Concession ('LTC') in the year 2016. The Petitioner had booked the ticket through an Official of the SSB- ASI Milan Kherkatary, who was posted in the headquarters. In the Court of Inquiry held against the aforesaid Official, ASI Milan Kherkatary had admitted his fault/guilt by stating that in order to earn money, he used to forge tickets and enhance its price and consequently, he was dismissed from service.



8. In view of the above, the present writ petition is allowed and the chargesheet issued against the Petitioner is quashed. Pending application(s), also stands disposed of.

9. Needless to observe that if permissible in law, the Respondent shall have the liberty to initiate action.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

MAY 13, 2026

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