
(2006) 02 DEL CK 0029

In the Delhi High Court

Case No : Writ Petition (C) 17487 of 2005

Ex-CT. Chotu Ram

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 21-02-2006

Acts Referred:

Central Reserve Police Force Act, 1949 — Section 11(1)
Central Reserve Police Force Rules, 1955 — Rule 30

Citation : (2006) 02 DEL CK 0029

Hon'ble Judges : Mukul Mudgal, J;H.R. Malhotra, J

Bench : Division Bench

Advocate : A.K. Trivedi, for the Appellant; Barkha Babbar, for the Respondent

Final Decision : Dismissed

Judgement

Mukul Mudgal, J.—Rule DB. With the consent of the learned counsel for the parties, the writ petition is taken up for final hearing.

2. The petitioner was charged with the following offence:-

2. That the said No. 921130785 Ct (Dvr) Chotu Ram of HQ/113 Bn CRPF while functioning as Ct/Dvr in MT Platoon of HQ/113 Bn during the period from 12.9.98 committed an act of "Misconduct" in his capacity as a member of the Force u/s 11(1) of C.R.P.F. Act, 1949 in that on 1.10.98, he consumed alcohol during day hours abused his senior and supervisor No. 690211632 HC (Dvr) Sakal Dev and beaten him with slaps and also attacked with some metallic object causing injury which resulted in bleeding. The above Misconduct from a member of the Force is prejudicial to good order and discipline of the Force.

3. The disciplinary authority pursuant to the enquiry report imposed the punishment of dismissal from service upon the petitioner with effect from 27th March, 1999 by the order dated 27th March, 1999. An appeal preferred by the petitioner was dismissed on 1st June, 1999 by the DIGP, CRPF, Hyderabad (AP) who held that there was sufficient evidence to substantiate the charge against

the petitioner. The evidence showed that the Const. Sakal Dev had sustained injuries and there was bleeding from his head when he reported to the hospital. Consequently the appellate authority upheld the punishment of dismissal. This was carried in revision and by the order 14th December, 1999 the petitioner's revision petition was dismissed by giving a reasoned and well considered order. The petitioner sought to take this matter further by preferring a petition dated 25th January, 2000 under Rule 30 of the CRPF Rules to the Director General, CRPF even though the said petition was not maintainable nevertheless Director General, CRPF dismissed the petitioner's petition dated 25th January, 2000.

4. We have gone through the pleadings and are satisfied that no cause or warrant for interference is made out. We cannot enter into appreciation of evidence when findings are supported by reasoned orders in appeal and revision. The appellate order dated 1st June, 1999 negated the plea of bias of the Enquiry Officer as being substantiated. It has also been noted that the petitioner entered a plea of guilty. The very fact that the injured Sakal Dev deposed against the petitioner is sufficient to sustain the impugned order against the petitioner. Besides this PW1 S.I. Murugasen also deposed to the incident of slapping by the petitioner. In any case there is no valid Explanation as to why the order of 14th December, 1999 was sought to be challenged only in 2005 and as such the writ petition is liable to be dismissed for laced also.

5. Consequently the writ petition is dismissed and stands disposed of accordingly.