
(2012) 05 DEL CK 0139

In the Delhi High Court

Case No : Writ Petition (C) No. 2589 of 2012

HC/GD Omkar Singh

APPELLANT

Vs

Director General, CRPF and Others

RESPONDENT

Date of Decision : 02-05-2012

Acts Referred:

Central Reserve Police Force Rules, 1955 — Rule 28, 29

Citation : (2012) 05 DEL CK 0139

Hon'ble Judges : Sudershan Kumar Misra, J;Anil Kumar, J

Bench : Division Bench

Advocate : Ashok Kumar, for the Appellant; Tushar Singh, for the Respondent

Final Decision : Dismissed

Judgement

Anil Kumar, J.—The petitioner has sought directions to the respondents to decide the statutory petition filed by the petitioner under Rule 29 of the CRPF Rules. The petitioner has disclosed that he was enlisted in the Central Reserve Police Force as a Constable on 17th May, 1991 and that he had been posted to different Battalions at different places. The petitioner was, thereafter, promoted as Head Constable on 3rd August, 2010. The petitioner has also disclosed that he went to the Group Centre, Rampur for depositing ammunition/collection of smoke tender to be handed over to GC Imphal which was a party of six personnel headed by Sub Inspector GM Pradhan. The petitioner further stated that after returning he had gone to a nearby place for taking out money from the ATM, from where he had withdrawn Rs.5000/-. On his way back he had a cup of tea from a shop and felt giddy and, thereafter, the petitioner found himself in a hospital.

2. The petitioner alleged that although no offence was committed by him, however, 2 FIRs were registered against him by Sh. T.M. Paite, Deputy Commandant, Officer Commanding, TC CRPF, Dimapur. In one of the FIRs the petitioner was acquitted by order of JM, 1st Class, DMR Court.

3. The petitioner further submitted that thereafter the matter was taken over by

the Commandant 69 Bn., CRPF and a departmental enquiry was conducted. The charge against the petitioner was that he committed a grave misconduct in his capacity as a member of the force and overlooked laid down instructions and therefore affected the discipline of the force. A departmental enquiry was conducted and the charges made against the petitioner were found to be made out and thus, the disciplinary authority, after complying with the due procedure, had imposed the penalty of compulsory retirement with effect from 6th March, 2011.

4. Against the punishment imposed by the disciplinary authority, the petitioner had preferred a statutory appeal under Rule 28 of the CRPF Rules on 31st March, 2011 to the Director General, CRPF. The appeal under Rule 28 of the CRPF Rules was, however, rejected by order dated 10th September, 2011.

5. Aggrieved by the order of rejection of his appeal, the petitioner filed a revision petition under Rule 29 of the CRPF Rules on 30th September, 2011 addressed to the Director General, CRPF.

6. The grievance of the petitioner is that the revision petition is still pending and has not yet been decided. The petitioner has also asserted that he had sent a reminder dated 31st January, 2012 in which the petitioner also specified about the discriminatory approach of the Deputy Inspector General, Hyderabad Range in the case of Head Constable Yogendra Pal Singh vis-?-vis the case of the petitioner, which according to the petitioner is still pending.

7. The petitioner has contended that in the facts and circumstances as disclosed hereinabove, his case is a fit case for the respondents to decide expeditiously as seven months have already elapsed. The petitioner has challenged the non disposal of his revision petition on various grounds specified in the revision petition.

8. The learned counsel for the respondents, Mr. Tushar Singh, who appears on advance notice has contended that no limitation is prescribed under Rule 29 of CRPF Rules, 1955 for the decision of a revision petition filed by any of the CRPF personnel. He has further contended that rather the superior authority who has to decide the revision petition against the order of punishment, can even enhance the punishment. However, before enhancing the punishment, the accused has to be given an opportunity to show cause as to why his punishment should not be enhanced.

9. This Court has heard the learned counsel for the parties. This cannot be disputed that the revision petition filed by the petitioner under Rule 29 of CRPF Rules, 1955 is still pending and has not been disposed off by the respondents. The petitioner has sought in the present writ petition a direction to the respondents to dispose off his revision petition expeditiously. Though the petitioner has also contended that in his reminder dated 30th September, 2011 he has raised the issues which are identical to the case of Head Constable Yogendra Pal Singh, however, in this petition this Court cannot direct the

respondents to consider any plea and contention, other than whatsoever has been raised by the petitioner in his revision petition preferred under Rule 29 of the CRPF Rules.

10. The counsel for the respondents though have contended that there is no limitation prescribed for disposal of the revision petition filed under Rule 29 of the CRPF Rules, 1955, yet this cannot be denied that a revision petition in the present facts and circumstances which has been filed by the petitioner is liable to be disposed of expeditiously since it is pending from 30th September, 2011.

11. The learned counsel for the respondents have also not disclosed any such facts which will entitle the respondents to keep the revision petition pending for longer period. No prejudice shall be caused to the respondents in case the revision petition of the petitioner is ordered to be decided expeditiously by the respondents.

12. Therefore, for the foregoing reasons and in the facts and circumstances, the writ petition is allowed. The respondents are directed to dispose off the revision petition filed by the petitioner on 30th September, 2011 against the order of the dismissal of his appeal dated 10th September, 2011, within eight weeks. Copy of this order be given dasti to the counsel for the respondents.