
(2010) 06 DEL CK 0035

In the Delhi High Court

Case No : Writ Petition (C) No. 13426 of 2009

TP Selvam

APPELLANT

Vs

Group Commandant CISF and Others

RESPONDENT

Date of Decision : 01-06-2010

Acts Referred:

Central Industrial Security Force Rules, 1969 — Rule 54

Citation : (2010) 06 DEL CK 0035

Hon'ble Judges : Indermeet Kaur, J;Gita Mittal, J

Bench : Division Bench

Advocate : Balaji Subramanian, for the Appellant; Sonia Sharma, for UOI, for the Respondent

Judgement

Gita Mittal, J.—The petitioner was subjected to disciplinary proceedings with regard to allegations relating to an incident which occurred on

24th April, 2007. The disciplinary authority accepted the report of the inquiry officer by an order passed on 15th October, 2007 holding that both

charges against the petitioner stood proved. The disciplinary authority had imposed the punishment of compulsory retirement of service upon the

petitioner.

2. On appeal, the appellate authority by its order dated 18th March, 2008, confirmed the findings of culpability of the petitioner. However, the

penalty was reduced to reduction of pay by two stages i.e. from Rs.4,305/-to Rs.4,135/-in the time scale of pay (Rs.3200-85-4900) for two

years from the date of rejoining in service. It was further directed that he would not earn increments of pay during the period of reduction and that

on expiry of this period, the reduction would have the effect of postponing his future increments of pay. It was further directed that the reduction

would have the effect of postponing his future increments of pay.

3. Pursuant to the orders of the appellate authority, the petitioner resumed duties. The petitioner's absence from duty was also regularised by the

orders dated 21st/22nd April, 2008. The petitioner thereafter appears to have assailed the order passed against him by way of a petition under

Rule 54 of the CISF Rules which was made to the Inspector General of the force. This revision was, however, rejected by the respondents by an

order passed on 23rd February, 2009 refusing to entertain or consider the same on merits. The revision has been rejected on the sole ground that

it should have been filed within a period of six months. However, there was a delay of two months in filing the revision.

4. It is explained by learned counsel for the petitioner that the petitioner was a poor head constable who has been posted at different places. He,

therefore, had difficulty in accessing the legal advice as well as taking the requisite steps for filing the revision petition within the stipulated time. We

find the explanation rendered for the delay in filing the revision petition as not only plausible but reasonable and bona fide. This explanation is

accepted. As a result, the order dated 23rd February, 2009 cannot stand.

5. Accordingly, it is directed as follows:

(i) the order dated 23rd February, 2009 shall stand set aside and quashed;

(ii) the respondents shall consider the revision petition filed by the petitioner on merits and pass a reasoned and speaking order thereon within a period of two months;

(iii) the order which is passed shall be communicated to the petitioner. In case the petitioner is still aggrieved thereby, he shall be at liberty to assail the same by way of appropriate legal remedy.

This writ petition is disposed of in the above terms.