



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

% Date of decision: May 13, 2024

+ W.P.(C) 6783/2024 & CM APPL. 28279/2024

(261) SHO VENDRA JHA

..... Petitioner

Through: Mr. Binay Kumar Jha, Adv.

versus

DIRECTOR GENERAL CRPF AND ORS

..... Respondent

Through: Ms. Avshreya Pratap Singh Rudy,
SPC with Mr. Vivek Nagar, G.P.
Mr. Farman Ali and Ms. Usha
Jamnal, Advs. for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE RAVINDER DUDEJA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 28279/2024 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 6783/2024

1. The petition has been filed by the petitioner with the following prayers:-

“I) Issue an appropriate writ/writs, order/orders, direction/directions to the respondents to comply with the letter dated 10.01.2008 issued by the Commandant 94 battalion to the additional DGP Sindri and in consequence to that quashing the order no. P-VII-2/16-11-EC-2 dated



07.04.2016, order no. R-XIII-11(SJ) 2016-EC-3 dated 21.06.2016 passed by the office of DIGP Patna range CRPF, order no. R-XIII-11(SJ) 16-BS-EC-3 dated 03.11.2016 passed by IGP CRPF, Bihar sector Patna, and communication letter dated 01.10.2018.

II) Issue an appropriate writ, order, or direction in consequence to the above directing the respondents to reinstate the petitioner in service (CRPF) sympathetically.

III) Pass any such other order/orders as this court may deem to be fit and proper in the light of the facts and circumstances of the case”

2. In effect, the petitioner is challenging the orders passed by the authorities / respondents pursuant to initiation of disciplinary proceedings against him in terms of the memorandum dated October 10, 2015.

3. Concedingly, the petitioner has been imposed with a penalty of compulsory retirement and the said order has also been implemented against him. The learned counsel for the petitioner has drawn our attention to Annexure P-1 which is a letter dated January 10, 2008, to contend that the respondents must comply with the contents of the said letter, more particularly, paragraph 4 thereof. The same has been written by the Commandant, 94 Bn. CRPF Air Field, Dimapur, Nagaland, calling upon the Additional Deputy Inspector General of Police, Group Centre, CRPF, Sindri Dhanbad that as the petitioner has been going through financial troubles and also a departmental enquiry is pending against him, the latter must give special attention to his case and the complete details with regard to his salary be given to him.

4. Suffice to state, the said letter shall not help the case of the petitioner inasmuch as the perusal of the office order dated April 7,



2016, it is clear that the petitioner was proceeded on the basis of the following allegations:

“Article-1

That the Force number 910810094 CT/GD Shovendra Jha B/ 11Bn. while working on the post of Ct/GD as a member of the force under section 11 (1) of the CRPF Act, 1949, the work of procrastination / indiscipline and misconduct in Duty Discharge Have done Do not accept the order / circulation order given by the Adjutant for the Duty in the B/11Bn on 02/10/2015, due to the discipline and rules of force, for the purpose of the Duty, And is a punishable offense under Section 11 (1) of the Central Reserve Police Force Act, 1949 read with Rule-27 of the CRPF Rules, 1955.

Article-2

That force number 910810094 CT/ GO Shovendra Jha B/ 11, Bn. CRPF has been accustomed to doing undisciplined acts while working on the post of CT/GD and is present for giving statement given by the Adjutant 11Bn. Co-initial investigation authority While ignoring the oral and written instructions of giving} the statement was not present for giving the statement and refusing to get the letter issued by the investigating officer} is against the good discipline and rules and is a punishable offense under section 11(1) of the Central Reserve Police Force Act, 1949.

Article-3

It was that the force number 910810094 CT/GD Shovendra Jha B/11Bn, CRPF, while working on the post of CT/GD was disciplined for the purpose of disciplinary action against him in 94 Bn, and it was done in the year 2007 for departmental inquiry Afterwards, he was punished with a cumulative effect for an annual increment of two years and 94Bn after the departmental inquiry in 2009, he was given an annual salary increment For Three years with cumulative effect punished ,the departmental inquiry for undisciplined acts against him



in GC CRPF Muzaffarpur and went punished. After three years of departmental proceedings, after taking lessons from the sentence given to him, he has become accustomed to doing disciplined acts repeatedly, without requiring necessary corrections in his conduct, which is against the good discipline of the force and the section of the CRPF Act, 1949 Under 11(1) there is a penal offense.”

5. As stated above, the said charges resulted in the imposition of punishment of compulsory retirement upon the petitioner. Suffice to state, after passing of the said order in the year 2016, the petitioner has availed all the statutory remedies as per the relevant rules. As such, eight years have gone by since the passing of the impugned order of compulsory retirement and the only ground which has been taken by the learned counsel for the petitioner to challenge the impugned order of compulsory retirement is that the letter dated January 10, 2008 has not been given effect to by the authorities / respondents, which according to us, has no bearing on the order of compulsory retirement.

6. It is the submission of Mr. Farman Ali, learned Senior Panel Counsel appearing on behalf of the respondents that though Article-3 has been partly proved, the Articles-1 and 2 having been proved fully, as such, the order of compulsory retirement is completely justified.

7. We are of the view, the fact that the petitioner has filed this petition after eight years of the passing of the impugned orders, coupled with the fact that there is no cogent explanation for delay and laches, it is too late in the day for this Court to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to grant the reliefs as prayed in the instant petition.



8. Therefore, we find no merit in the petition and the same is dismissed. No costs.

V. KAMESWAR RAO, J

RAVINDER DUDEJA, J

MAY 13, 2024/ds