



\$

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment Reserved on: 12.01.2026

Judgment delivered on: 12.02.2026

Judgment uploaded on: 12.02.2026

+

W.P.(C) 7769/2021

J P GAUTAM

.....Petitioner

versus

UNION OF INDIA AND ORS.

....Respondents

Advocates who appeared in this case

For the Petitioner : Mr. H S Dahiya, Mr. Yuv Dahiya, Advs.
with petitioner in person

For the Respondent : Mr. Ranvir Singh, SPC with Mr. Vikas
Kumar Singh, Adv.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****MANMEET PRITAM SINGH ARORA, J.**

1. The present petition has been filed challenging the Petitioner's removal from service.

2. The Petitioner was charge-sheeted on 24.11.1998 resulting in an Enquiry Report dated 06.05.1999, which held the Petitioner guilty of both Charge No. 1 and Charge No. 2. The disciplinary authority vide order dated 24.06.1999, as modified on 15.07.1999, concurred with the Enquiry Report and imposed a punishment of reduction of salary by two levels for a period



of two years and also stoppage of increment for the said period of two years.

3. The said punishment ordered by the disciplinary authority was enhanced by the appellate authority after issuing a show cause notice to 'removal from service', vide order dated 21.11.2000. The said enhanced punishment has been upheld by the superior authorities in further appeal and revision vide order dated 26.07.2019 and 25.06.2020 respectively.

4. The aforesaid orders, including the Enquiry Report are impugned in this petition.

5. The brief facts relevant to decide this writ petition are:

5.1. The petitioner joined the Central Industrial Security Force ['CISF'] as a constable on 02.10.1989. In April 1998, the petitioner was posted at VST PP Vindhyanagar, where he was under the administrative control of the Assistant Commandant, Sh. D.D. Ghosh ['Assistant Commandant'].

5.2. It is the case of the petitioner that he had been assigned duties during night hours and, on medical grounds, he wanted a change of duty hours to daytime, and in this regard, he met the Assistant Commandant on 09.11.1998 in the latter's chamber and requested him *not* to assign night duty but to assign regular morning or day duty.

5.3. It is stated by the Petitioner that, however, in this meeting held on 09.11.1998, Assistant Commandant expressed his inability to change the duties and directed the petitioner to meet the Commandant for the allocation of duties, on the ground that the Commandant alone was entitled to allocate duties to the constables. It is, however, the case of the petitioner that he had first met the Commandant, who had directed him to meet the Assistant Commandant, and, in this background, he paid the visit on 09.11.1998.

5.4. It is stated that on 09.11.1998, since the petitioner was off duty, he



visited the office of the Assistant Commandant in a civil dress, and this fact of not being in uniform offended the Assistant Commandant, leading to the filing of the complaint against the petitioner on 09.11.1998, which forms the basis of the charge-sheet dated 24.11.1998.

5.5. It is stated that the allegations of misbehaviour, use of abusive language and an alleged attempt to assault the Assistant Commandant levelled against the petitioner at the meeting held on 09.11.1998 are false.

5.6. It is a matter of record that the petitioner was immediately suspended from duty *vide* order dated 09.11.1998, and he remained suspended from 09.11.1998 to 10.02.1999.

5.7. The Petitioner was served with a charge sheet dated 24.11.1998, which contained two charges¹, which read as under:

Charge No. -1

On 09.11.98 at about 1015 hrs CISF No. 894491562 Constable J P Gautam, CISF Unit DMR Panna came to the office of Shri D D Ghosh, Assistant Commandant in civil dress without permission regarding deployment him in Company office in general shift duty and used abusive language and stepped up with bad intention try to physically attack. This act of the force personal shows indiscipline and misbehaviour.

Charge No. -2

On scrutiny of service document of CISF No. 894491562 Constable J P Gautam, CISF Unit DMR Panna and found that the force personal is habitual of indiscipline activities. He has been awarded with as many as 04 Minor and Major penalties to improve his behaviour, but he failed to improve upon his behaviour.

(Emphasis supplied)

5.8. The Enquiry Officer in April 1999 examined the complainant Assistant Commandant Sh. D.D. Gosh, as PW-1, SI/Admn. A.K. Sharma as PW-2, ASI/Clk R.P. Tiwari, as PW-3 and Const./Amar Singh, as PW-4, by way of prosecution witness. Petitioner examined himself and HC/GD Inder

¹ Though the charges are originally in Hindi, the English translation has been quoted from its reproduction in the order dated 21.11.2000 placed on record by the respondent as Annexure 2 (colly) to its counter affidavit and available at pdf page 510



Singh, as PW-5, by way of a defence witness.

The Enquiry Officer submitted his report on 06.05.1999, wherein he concluded that the testimony of the witnesses proved Charge No. 1 as true, and on the basis of the official record held Charge No. 2 stands proved.

6. Based on the aforesaid Enquiry Report dated 06.05.1999, the disciplinary authority, i.e., respondent no. 5 concluded that the charges against the petitioner had been substantiated. However, respondent no. 5 observed that keeping in view the future of the petitioner; it is taking a lenient view and granting a final opportunity to the petitioner to improve its conduct. Vide impugned order dated 24.06.1999, while holding the petitioner guilty, respondent no. 5 ordered that the grade pay of the petitioner be reduced by two stages, i.e., from Rs. 3270 to Rs. 3125, for a period of two years with immediate effect. It was further directed that the petitioner will not earn any increment during the said period of two years and that on the expiry of this period, the reduction will have the effect of postponing his future increments of pay. The said order dated 24.06.1989's paragraph 7 was modified vide order dated 15.07.1999 to correct the period of suspension. The operative part of the order dated 24.06.1999, as amended on 15.07.1999, shall read as under²:

“.....

5. The charge levelled against him, fully proved by the Enquiry Officer on the basis of available documents and statements of prosecution witness which the undersigned agrees. The force member has shown indiscipline by behaving indecently to a senior

² The English translation of the order dated 24.06.1999 provided by the Respondent as Annexure 1 (Colly) to its counter affidavit and available at pdf page 503 has been reproduced. Paragraph 7 of the order was modified vide order dated 15.07.1999, and the said modification stands duly reflected in paragraph 7 as extracted in the present judgment. The extraction has been taken from the English translation of the order dated 15.07.1999, as provided by the High Court Translation Branch, which has been relied upon for the quoted portion.



officer which is not expected from a member of the force of the Armed force. Prior to this, force member also awarded penalty for his indecent behaviour. For this indiscipline act, he deserves strict penalty, but keeping in view of his future, once again adopting a soft stain and given the last chance to improve his behaviour in discipline.

6. Therefore, I the undersigned, in exercise of the powers conferred upon me by virtue of Rule-29(A) read in conjunction with Schedule-II and Rule-31 (D) of CISF Rules 1969, impose the penalty of "REDUCTION OF PAY BY TWO STAGES FROM Rs.3275/- to Rs.3125/- FOR A PERIOD OF TWO YEARS. IT IS FURTHER DIRECTED THAT HE WILL NOT EARN INCREMENT OF PAY DURING THE PERIOD OF REDUCTION AND THAT ON EXPIRY OF THIS PERIOD THE REDUCTION WILL HAVE THE EFFECT OF POSTPONING HIS FUTURE INCREMENTS OF PAY" with immediate effect upon No. 894491562 Constable JP Gautam.

7. The suspension period of Constable J.P Gautam Force Id No. 894491562 w.e.f. 09.11.1998 to 10.02.1999 shall not be treated to be on duty. No other salary, allowance etc. shall be payable to him apart from the subsistence allowance given to him during the suspension period.

8. No. 894491562 Constable JP Gautam may prefer an appeal against this order, if he so desires. The same should be addressed to the Deputy Inspector General, CISF EZ Patna within 30 days from the date of receipt of this order."

(Emphasis supplied)

7. Aggrieved by the said order dated 24.06.1999 and 15.07.1999, the petitioner preferred an appeal to respondent no. 4 under the Central Industrial Security Force Rules, 1969 ['CISF Rules']. However, respondent no. 4 did not accept the appeal of the petitioner and instead issued a show cause notice dated 5th/8th February, 2000, asking the petitioner to give reasons as to why his punishment should not be enhanced to dismissal from service. The contents of the show cause notice show that the finding of the Enquiry Officer with respect to proof of charges of abuse against the Assistant



Commandant weighed heavily by respondent no. 4 in concluding that the punishment imposed by disciplinary authority, i.e., respondent no. 5, was not sufficient for the misconduct proved against the petitioner. The relevant paragraph of the show cause notice reads as under³:

“4. The appellant's arguments, being devoid of evidence, are insubstantial and lack merit. The Disciplinary Authority, while incorporating these arguments into the final order, has nonetheless passed a clear and reasoned decision. However, the Disciplinary Authority failed to properly interpret the gravity of the charges leveled against the appellant and, instead of awarding punishment commensurate with the charges, imposed a lesser penalty, notwithstanding that the Investigating Officer had fully established the charges on the basis of circumstantial evidence and concrete proof. The delinquent force member, despite serving in a disciplined force, exhibited misconduct towards a Gazetted Officer, which constitutes a grave and reprehensible offence duly substantiated in the departmental inquiry. Accordingly, I find that the punishment imposed by the Disciplinary Authority is inadequate in view of the seriousness of the charges. The Investigating Officer, in the course of investigation, has proved the charges in light of circumstantial evidence and solid facts. Misconduct towards a Gazetted Officer is a serious charge that has been established during inquiry. Therefore, I hold that the punishment awarded by the Disciplinary Authority is lenient. The charges proved against the appellant during the departmental inquiry are of a grave nature. By committing such misconduct, the appellant has rendered himself unfit to continue in the Central Industrial Security Force (CISF), where discipline and duty are regarded as the foundational pillars of the Force.

5. Therefore, in exercise of the powers vested in the undersigned under Rule 47(2)(C)(1) and Rule 31(A) of the CISF Rules, 1969, I hereby enhance the punishment awarded by the Disciplinary Authority and propose the penalty of “dismissal from service” upon Force ID No. 894491562, Constable J.P. Gautam.

Constable J.P. Gautam is hereby directed that, should he so desire, he may submit a representation against the proposed penalty within fifteen (15) days of receipt of this communication, through the

³ The English translation of the SCN dated 05th/08th February 2000, provided by the High Court translation branch has been referred for the quoted portion.



prescribed procedure. In the event that no representation is received from the delinquent force member within the stipulated period, it shall be deemed that he has nothing to state in his defence, and the order imposing the enhanced punishment shall be passed without any further notice or extension of time.

6. Acknowledgment of the show cause notice is required from Force ID No. 894491562, Constable J.P. Gautam.”

(Emphasis supplied)

The said show cause notice was replied to by the petitioner on 01.05.2000.

8. But the said reply was rejected by respondent no. 4 vide impugned order dated 21.11.2000, and the punishment was enhanced from reduction of pay scale for two years and stoppage of increments to punishment of removal from service. The operative portion of the order dated 21.11.2000⁴ is as follows:

“

2. The appellant preferred an appeal to the undersigned against the punishment. On analysing the appeal the undersigned observed that the disciplinary authority has awarded the punishment which is inadequate to the proven charges. Therefore, the undersigned in terms of powers conferred under Rule 47(2)(c)(1) of CISF Rules 1969 called the appellant to show cause as to why the punishment of Dismissal from service should not be imposed upon him as he has used filthy language against Asstt. Commandant by entering his chamber in civil dress, without any prior permission and approached towards Asstt. Commandant with the intention to physically assault him. He also has not mend himself though he has already been awarded punishment for 04 times.

.....

4. I have examined the case records and studied the defence. The averment of the appellant that he has been falsely implicated in this case relying on the statement of ASI/Clk R.P. Tiwari, who was not present there, is not true. Constable Amar Singh (PW-4) clearly

⁴ Extracts from the English translation of the order dated 21.11.2000 provided by the Respondent as Annexure 2 (Colly) to its counter affidavit and available at pdf page 510 has been reproduced.



deposed that the petitioner was in civil dress in Asstt. Commandant's chamber from where he was taken out by him. The eye witness ASI/Clk R.P. Tiwari also deposed in support of the charge. I am of the view that there is no need for analysing the case further as the same has already been analysed by the disciplinary authority and agreed upon by the undersigned. The disagreement is only the quantum of punishment and the same has been already stated in the show cause. The charges(sic) against the appellant have been proved during the departmental enquiry. **In a para military force, charging physically i.e., to be ready to assault is a serious charge.** By committing such an offence like insubordination, the appellant has proved to be unfit to be retained in the Force like CISF where discipline and duty are of paramount importance to the life and character of the members. Hence, such member of the Force are not required in the Force. I am clear in my view that the punishment awarded by the disciplinary authority is inadequate considering the totality of the case. Accordingly, the enhanced punishment of 'Removal from service' instead of 'Dismissal from service' as proposed in show cause notice No. V-11014/EZ/Ad.II/Apl.45/2000/1271 dated 5/8-02-2000 on No. 894491562 Const. J.P. Gautam of a CISF Unit PTPP Parichha is hereby imposed in terms of powers conferred upon the undersigned vide Rule 47(2) (c) (1) of CISF Rules, 1969."

(Emphasis supplied)

As is evident from this order, the respondent no. 4 held that PW-3, ASI/Clk R.P. Tiwari, is an eye witness who has deposed in support of the charge of attempt to assault by the petitioner against the Assistant Commandant and this fact weighed very heavily by respondent no. 4 for enhancing the punishment to removal from service. Respondent No. 4 held that the submission of the petitioner that ASI/Clk R.P. Tiwari was not present in the office at the relevant time is not true.

9. The petitioner, aggrieved by the aforesaid order of 'removal from service' approached the High Court of Allahabad by way of a writ petition 6726/2001. The said writ petition was dismissed as withdrawn vide order dated 10.01.2019, reserving liberty to the petitioner to avail its statutory



remedy provided under Rule 49 of the CISF Rules to file an appeal against the order dated 21.11.2000. The aforesaid order of the High Court of Allahabad reads as under:

“1. After some argument, learned counsel for petitioner stated that against impugned Appellate Order dated 21.11.2000 whereby punishment has been enhanced by Appellate Authority to dismissal, petitioner has alternative statutory remedy provided under Rule 49 of Central Industrial Security Force Rules, 1969, therefore, he may be permitted to withdraw this petition with liberty to avail the same.

2. As prayed, this writ petition is dismissed as withdrawn with the aforesaid liberty.”

(Emphasis supplied)

10. Pursuant to the liberty reserved by the High Court of Allahabad, the petitioner preferred an appeal which was rejected by respondent no. 3 vide order dated 26.07.2019, wherein operative portion read as under:

“**06. AND THEREFORE**, I have gone through the case file and other evidences held on record with reference to the appeal petition put forth by the appellant. The enquiry has been conducted as per laid down procedure and no infirmity has been noticed. The appellant has been provided ample opportunity to defend his case. As per evidences held on record, it has been found that on 09.11.1998 at about 10: 15 hours appellant entered into the chamber of Shri D D Ghosh, Assistant Commandant in civil dress without any permission and **started misbehaving with him by using filthy languages and attempted to assault him** on the issue of his detailment in General Shift in company office. During the course of departmental enquiry, **charges levelled against the appellant have been proved beyond any doubt.** Thereafter, the Disciplinary Authority awarded the punishment of "Reduction of pay by two stages from Rs.3275/- to 3125/- for a period of two years. It is further directed that he will not earn increments of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increments of pay" vide final order No.(1052) dated 24.06.1999. On appeal, Appellate Authority found that punishment imposed by the Disciplinary Authority is not commensurate with the gravity of the offence committed by the appellant. Hence, Appellate Authority proposed to enhance the punishment awarded by the Disciplinary



Authority to that of "Dismissal from Service" by issuing a show cause notice vide order notice (1271) dated 5/8.02.2000. However, during finalization of order Appellate Authority taking into consideration of his future career, took a lenient view and modified the proposed punishment from "Dismissal from Service" to that of "Removal from Service" vide order No.(12078) dated 21.11.2000 to meet the ends of justice. CISF is an Armed Force of the Union, where duty and discipline are of paramount importance. Being a disciplined member of the Force, the appellant has to maintain a high level of discipline. In the instant case, appellant did not follow the laid down procedure as well as decorum of the Force and misbehaved with a supervisor officer in his chamber, which is highly unbecoming of a member the Force and cannot be accepted. On going through the past service records, it is found that appellant is a habitual offender in committing misconducts for which he was punished four times by the different Disciplinary Authorities particularly two times for indulging into misconduct with his seniors. The Appellate Authority has rightly adjudged the case and awarded the punishment of "Removal from Service" which is just and fair and commensurate with the offence committed by the appellant. Thus, I do not find any cogent reason to interfere with the decision of Disciplinary and Appellate Authority and I **REJECT** the petition being devoid of merit."

(Emphasis supplied)

As is evident from this order, the Appellate Authority has held that the testimony of the witnesses prove that the petitioner misbehaved with the Assistant Commandant by using filthy language and attempted to assault him.

11. The petitioner, being aggrieved by the aforesaid orders preferred a revision petition before respondent no. 2, which has also been rejected vide order dated 25.06.2020 upholding the punishment of removal from service.

The operative portion of the order reads as under:

“7. AND WHEREAS, I have carefully gone through the proceedings of the departmental enquiry held on record and submissions made by the petitioner in his revision petition and observed that in the departmental enquiry, it was proved from the statements of PWs that



the petitioner entered the chamber of Unit Commander without prior appointment or permission in civil dress **disregarding the advice of ASI/Clk R.P.Tiwari** to report in uniform for request room, **misbehaved with him using abusive language and tried to assault him**. The plea of the petitioner that the proceeding of DE is biased and there was **no eyewitness** in the incident is false and misleading since, apart from the complainant Shri D.D. Ghosh, Asstt. Commandant who was present in his chamber, **ASI/Clk R.P. Tiwari and Const/GD Amar Singh** deposed that the petitioner misbehaved with Shri **D.D. Ghosh, Asstt. Commandant** and had to intervene on being called by the AC to take the petitioner out of his chamber. **Thus, charges have been rightly been proved** and pleas put forth by the petitioner in the instant revision petitioner are found to be bereft of merit. Such indisciplined misconduct tantamount to insubordination cannot be tolerated in a disciplined Force. The penalty has been awarded to the petitioner for good and sufficient reasons and is commensurate with the gravity of proven misconduct. The petitioner has not brought out any new fact which may change the complexion of the case requiring my interference in the matter.”

(Emphasis supplied)

As is evident from above, the revisional authority has relied upon the testimony of PW-3 ASI/Clk R.P. Tiwari and PW-4, Const./GD Amar Singh to conclude that it stood proved on record the petitioner had misbehaved with the Assistant Commandant by using abusive language and tried to assault him.

12. In this writ petition, the petitioner is challenging the charge-sheet dated 24.11.1998, Enquiry Report dated 06.05.1999 and the initial order dated 24.06.1999 read with order dated 15.07.1999 passed by the disciplinary authority whereby he was punished with reduction of salary and stoppage of increments for a period of two years.

13. However, the said order of the disciplinary authority was superseded as the Appellate Authority after issuing a show cause notice directed petitioner's removal from service vide order dated 21.11.2000, which was



upheld by superior authorities vide orders dated 26.07.2019 and 25.06.2020 respectively.

14. This Court is therefore examining the legality of the orders dated 21.11.2000, 26.07.2019 and 25.06.2020 as well as the Enquiry Report dated 06.05.1999, in the first part of this order.

The challenge to the legality of the order dated 24.06.1999 read with order dated 15.07.1999 passed by the disciplinary authority has been examined, in the second part of this order.

I. Legality and Sustainability of the orders dated 21.11.2000, 26.07.2019 and 25.06.2020 passed by Respondent Nos. 2, 3 and 4 as well as the Enquiry Report dated 06.05.1999

15. This Court has examined the order dated 21.11.2000⁵, by which the punishment of reduction of pay and stoppage of increments for a period of two years was *enhanced* to removal from service, as well as the orders passed by the appellate authority on 26.07.2019⁶ and the revisional authority on 25.06.2020⁷, whereby the said punishment was affirmed.

16. The order dated 21.11.2000 records that the accusation against the petitioner of charge of physical assault on a senior officer is of a grave nature and, in view of the fact that said charge has been proved against the petitioner in the departmental enquiry, the case warranted imposition of the penalty of 'removal from service'. The said order places reliance upon the findings recorded by the Enquiry Officer in the report dated 06.05.1999 and more specifically on the testimony of PW-3 ASI/Clk R.P. Tiwari, who has been referred to as an eyewitness in the said order.

17. The Appellate Authority, vide order dated 26.07.2019, while

⁵ Passed by Respondent no. 4

⁶ Passed by Respondent no. 3

⁷ Passed by Respondent No. 2



affirming the penalty of removal from service, recorded that the charges of use of filthy language and attempt to assault the Assistant Commandant levelled against the petitioner stood proved beyond any doubt in the departmental inquiry and, having regard to the petitioner's misconduct towards his superior officer on 09.11.1998, as also upon consideration of his past service record which similarly recorded misconduct with seniors, led the Appellate Authority to conclude that the punishment imposed was justified.

18. The Revisional Authority, as well, upon examination of the Enquiry Report, concurred with the punishment awarded and held that the evidence on record established that the petitioner had misbehaved with his superior officer by using abusive language and attempting to assault him. It was observed that PW-3 ASI/Clk R.P. Tiwari and PW-4 Const./GD Amar Singh have deposed that the petitioner misbehaved with Assistant Commandant and that, upon being called by the Assistant Commandant, they intervened and escorted the petitioner out of his chamber, thereby justifying the punishment of removal from service. In view of the aforesaid conclusion based on the testimony of PW-3 and PW-4, the Revisional Authority, likewise upheld the punishment of removal from service.

19. Upon a perusal of the operative portion of the orders dated 21.11.2000, 26.07.2019 and 25.06.2020, this Court finds that all the three authorities have relied upon the finding recorded in the Enquiry Report in relation to Charge No. 1, as well as the testimonies of PW-3 ASI/Clk R.P. Tiwari and PW-4 Const./GD Amar Singh, to conclude that the petitioner had *indeed* used abusive language and attempted to assault his superior officer i.e., Assistant Commandant, Shri D.D. Ghosh on 09.11.1998, and in view of



this finding, the respondents held that the punishment of removal from service was commensurate with the gravity of proven conduct. Significantly, the authorities concluded that Charge No. 1 has been proved beyond any doubt⁸. Since, it concluded that Charge No.1 stood proved, the authorities also took into consideration the previous misconduct of the petitioner with his superiors as listed in Charge No. 2.

20. The learned counsel for the petitioner has contended that the evidence on record shows that PW 3, ASI/Clk R.P. Tiwari, who is alleged to be an eyewitness, was not even present at the scene on 09.11.1998. He contended that the testimony of PW 4 Const./Amar Singh and PW 5 HC/GD Inder Singh clearly shows that PW 3/ASI Clk R.P. Tiwari was not present in the office at the time of the alleged incident.

He relied upon the statement of PW 4 Const./GD Amar Singh to state that the allegation of attempt to assault and abuse was denied by this prosecution witness and therefore not proven. He stated that the Assistant Commandant is an officer who is six stages senior to the petitioner, and it is inconceivable that the petitioner herein would have the gumption to attempt an assault against the superior officer. He stated that the conclusion of the authorities that the petitioner herein sought to attempt to assault or abuse is not borne out by the oral evidence on the record. He stated that even the testimony of PW 3, ASI/Clk R.P. Tiwari, (whose presence is disputed), categorically rules out any attempt on the part of the petitioner to physically assault the superior officer.

21. In this background, this Court has proceeded to examine whether the charge of use of abusive language and attempt to physically assault the

⁸ Referred to order dated 26.07.2019 at para 6



Assistant Commandant, Shri D.D. Ghosh against the petitioner was proved from the evidence on record. The Charge No.1 reads⁹, as follows:

CHARGE No. 1

On 09.11.98 at about 1015 hrs CISF No. 894491562 Constable J P Gautam, CISF Unit DMR Panna came to the office of Shri D D Ghosh, Assistant Commandant in civil dress without permission regarding deployment him in Company office in general shift duty and used abusive language and stepped up with bad intention try to physically attack. This act of the force personal shows indiscipline and misbehaviour.

(Emphasis Supplied)

22. For the purpose of enquiry into Charge No.1, the Enquiry Officer referred to the oral testimonies of PW-1 Shri D.D. Ghosh, PW-3 ASI/Clk R.P. Tiwari, PW-4 Const./GD Amar Singh, PW-5 HC/GD Inder Singh, and the statement of the petitioner. After paraphrasing the depositions of the said witnesses, the Enquiry Officer proceeded to record a bald conclusion that Charge No.1 stood proved, without undertaking any analysis of the evidence on record. The conclusion of the Enquiry officer that Charge No.1 has been proved by the statement of the witnesses is unreasoned.

The contention of the petitioner that PW-3 ASI/Clk R.P. Tiwari was not present at the spot has been rejected by the Enquiry Officer despite taking note that PW-5 HC/GD Inder Singh had stated that ASI/Clk R.P. Tiwari had gone towards the Quarter Guard 15 minutes earlier. The sole basis for not relying on the statement of PW-5 is the reliance placed on the statement of the complainant, Assistant Commandant D.D. Ghosh. However, the Enquiry Officer failed to take into consideration the testimony of PW-4 Const./Amar Singh, who also stated categorically that ASI/Clk R.P. Tiwari was not present at the spot.

⁹ Though the charges are originally in Hindi, the English translation has been quoted from its reproduction in the order dated 21.11.2000 placed on record by the respondent as Annexure 2 (colly) to its counter affidavit and available at pdf page 510



The authorities, which have passed the orders dated 21.11.2000, 26.07.2019, and 25.06.2020 directing the removal from service, have heavily relied upon this conclusion of the Enquiry officer qua Charge No.1.

23. In this background, this Court considers it appropriate to examine the testimonies of PW-3 ASI/Clk R.P. Tiwari, PW-4 Const./Amar Singh, and PW-5 HC/GD Inder Singh, to examine whether the allegation of use of abusive language and attempt to physically assault the Assistant Commandant in Charge No. 1 is based on *any* evidence.

(i) **Presence of PW-3, ASI/Clk. R.P. Tiwari at this spot on 09.11.1998 established or not?**

24. PW-3, ASI/Clk R.P. Tiwari has been examined by the prosecution, and his testimony has been relied upon heavily by the authorities to hold that the charge of use of abusive language and an attempt to approach the Assistant Commandant with the intent to physically assault stands proved in Charge No. 1. Respondent No. 4 in its order dated 21.11.2000 has referred to PW-3 ASI/Clk R.P. Tiwari as an eye-witness.

25. The Petitioner has specifically disputed the presence of ASI/Clk R.P. Tiwari at the spot on 09.11.1998 and raised this plea before the Enquiry Officer during the examination of the witnesses as well as in his first appeal against the order dated 24.06.1999 as modified on 15.07.1999.

The Enquiry Officer in its Report as well as Appellate Authority, in its order dated 21.11.2000, have categorically rejected this contention of the petitioner and have in fact, relied upon the testimony of ASI/Clk R.P. Tiwari as an eye-witness account to opine that the charge of use of abusive language and attempt to physically approach the Assistant Commandant with the intent to assault has been proven.



26. In this background, this Court proceeds to examine the oral testimonies of the prosecution witnesses PW-4 Const./Amar Singh and PW-5 HC/GD Inder Singh, who were admittedly present at the spot on 09.11.1998 to test the veracity of the plea/ground of non-presence of ASI/Clk R.P. Tiwari urged by the petitioner.

27. A perusal of the statements of all witnesses on record, including the complainant and the Enquiry Report, shows that the incident is stated to have occurred on 09.11.1998 at about 10:15 A.M. and lasted for approximately five to seven minutes, and thus, in all likelihood, concluded by around 10:25 A.M.

28. PW-4 Const./Amar Singh is a prosecution witness, who was working in the office of the Assistant Commandant and had admittedly escorted the petitioner out of the chamber on 09.11.1998 upon the instructions of the Assistant Commandant. Thus, PW-4 Const./Amar Singh's presence at the place of the incident is not disputed. This witness, in his cross-examination by the petitioner, specifically at Question Nos. 2 and 3, has categorically stated that ASI/Clk R.P. Tiwari was not present in the office at the relevant time, i.e., 10:15 A.M. to 10:25 A.M. The relevant extract of the cross-examination reads as under¹⁰:

“Q2. When Assistant Commandant called Clerk ASI Tiwari at that time, whether he was with you in the Office?”

Ans. Yes. At that time, ASI R.P.Tiwari, Clerk was **not present** in the office.

Q.3. And when you came back from the Chamber of Assistant Commandant whether at that time, ASI Clerk R.P.Tiwari was in the Office?

Ans. **No**, at that time, **he was not present in the office.**”

¹⁰ The English translation of the testimony of PW4/Const./Amar Singh provided by the High Court translation branch has been referred for the quoted portion



(Emphasis supplied)

29. Similarly, PW5 HC/GD Inder Singh, who was deputed at the Main Gate outside the office of the Assistant Commandant, has in his cross-examination by the petitioner, categorically stated that Clk. R.P. Tiwari was not present in the office at the relevant time between 10:15 AM to 10:25 AM on 09.11.1998. PW-5's presence at the Main Gate at the spot on the relevant date and time is not in dispute. The relevant portion of the testimony reads as under¹¹:

“Q.1 When I entered from the main gate, whether A..... R.P. Tiwari was in his office?

Ans. No. **He was not there.** He left 15 minutes before coming of Constable J.P. Gautam.

Q.4 After I exited through main gate, how long thereafter did A R.P. Tiwari arrived?

Ans. **He arrived after about an hour**”

(Emphasis supplied)

30. As noted above, the presence of PW-4 Const/Amar Singh and PW-5 HC/GD Inder Singh at the relevant spot on 09.11.1998 around 10:15 A.M. is not in dispute. The testimonies of these witnesses prove that PW-3 ASI/Clk R.P. Tiwari was *not present* in the office on 09.11.1998 between 10:15 A.M. and 10:25 A.M., when the argument/incident between the petitioner and Assistant Commandant, D.D. Ghosh occurred.

31. In view of the testimonies of PW-4 and PW-5, the finding recorded by respondent no. 4 in the order dated 21.11.2000, to the effect that PW-3 ASI/Clk R.P. Tiwari was present at the spot and was an eyewitness to the

¹¹ The English translation of the testimony of PW5 HC/GD Inder Singh provided by the High Court translation branch has been referred for the quoted portion



incident of abuse and assault on the Assistant Commandant forming the basis of Charge No. 1, is manifestly perverse and directly contrary to the evidence of PW-4 and PW-5. This error has also percolated to the orders dated 26.07.2019 and 25.06.2020 as they similarly place heavy reliance on the testimony of PW-3 ASI/Clk R.P. Tiwari.

32. The absence of PW-3 ASI/Clk R.P. Tiwari from the office at the relevant time is also evident from his own deposition.

PW-3 stated that the petitioner entered the office at 10:10 hours on 09.11.1998; however, this assertion stands contradicted by the testimonies of PW-1, PW-4 and PW-5, all of whom have consistently deposed that the petitioner arrived at the office only at about 10:15 hours. Notably, PW-5 was posted as the guard at the Main Gate outside the office and, therefore, was the first person to encounter the petitioner upon his arrival at the office of the Assistant Commandant at 10:15 hours. Since, all the witnesses are members of CISF, where discipline of time is strict their inclination to depose on the exact time/hour of the incident is high. Clk R.P Tiwari is the only witness who was unable to tell the precise time, as it appears that he was not present.

33. The Enquiry Officer, while opining that the submission of the petitioner that PW-3 ASI/Clk R.P Tiwari was not present, is without any merit, has not referred to the answers of the PW-4. It is a matter of record that Const./Amar Singh was a prosecution witness, whose testimony is not disputed by any party and there is no reasoning in the Report for not accepting the statement of PW-4 Const./Amar Singh on this issue of non-presence of Clk. R.P. Tiwari. The Enquiry Officer has without any justification rejected the testimony of PW-5 HC/GD Inder Singh on the issue



of non-presence of ASI/Clk R.P. Tiwari. The perusal of the testimonies of PW-4 Const./Amar Singh and PW-5 HC/GD Inder Singh leaves no manner of doubt that Clk. R.P. Tiwari was not present at the spot on 09.11.1998 between 10:15 A.M. to 10:25 A.M.

34. This Court has also examined the testimony of PW3 ASI/Clk R.P. Tiwari and finds the same to be inconsistent with the testimony of PW1/Assistant Commandant D.D. Ghosh. As per PW-1/Assistant Commandant he was alone in the chamber when the petitioner abused him and attempted to approach him with intent to assault. It is the case of PW-1 that he called out to PW-3 ASI/Clk. R.P. Tiwari and PW-4 Const./Amar Singh after the argument and instructed them to take away the petitioner. However, PW-3 ASI/Clk R.P. Tiwari has sought to depose that he was present in the room when the petitioner abused PW-1. PW-3 ASI/Clk R.P. Tiwari appears to be tutored witness, who is deposing on hearsay and not as an eyewitness.

35. The Enquiry Officer by placing reliance upon the testimony of PW-3 ASI/Clk R.P. Tiwari, has arrived at wrong conclusions on the charge of abuse and attempt to approach the complainant with an intent to physically assault as discussed hereinafter.

ii. **The charge of attempt by the petitioner to approach the complainant with the intent to physically assault is not proved from the evidence on record**

36. The respondent nos. 2, 3 and 4 have relied upon the testimony of PW-3 ASI/Clk R.P. Tiwari and PW4 Const./Amar Singh to conclude that the charge of attempt to approach the complainant with an intent to physical assault stands proved by the testimony of these witnesses. The finding of the Enquiry Officer that the charge of attempt to assault had been proven,



weighed heavily with respondent nos. 2, 3 and 4 for enhancing the punishment to removal from service.

37. Notwithstanding the conclusion of this Court in the earlier part of the judgment with respect to non-presence of ASI/Clk RP Tiwari at the spot on 09.11.1998, this Court has examined the statements of PW-3 ASI/Clk RP Tiwari and PW4 Const./Amar Singh, as it is, to satisfy itself whether the testimony of the said witnesses proves that the petitioner herein tried to approach the complainant/ Assistant Commander, Sh. D.D. Ghosh with an intent to physically assault.

38. During the course of enquiry, a precise question was asked by the Enquiry Officer himself to PW-4 Const./Amar Singh with respect to alleged attempt to assault, and in its reply, PW-4 specifically and unambiguously denied the said suggestion. The relevant question and answer read as under:

“Q2. Whether the accused Ct. J.P Gautam used the abusive language regarding the posting of duty and whether he advanced with the intention to assault A.I?”

Ans. **No**, Ct. J.P Gautam did not use abusive language **nor** he assaulted.”

(Emphasis supplied)

Similarly, the petitioner herein, cross-examined PW-4 on the issue of alleged attempt to assault and use of abusive language and to this as well, PW-4 specifically answered in the negative. The relevant question and answer read as under:

“Q1. When you entered in the room of Assistant Commandant whether I advanced to assault Assistant Commandant? Whether I used any abusive language?”

Ans. **No**, You **neither** advanced to assault Assistant Commandant **nor** used any abusive language in front of me.”

(Emphasis supplied)



39. Likewise, PW-3 ASI/Clk RP Tiwari, whose physical presence at the spot is viewed by this Court with serious doubt, categorically answered in the negative when questioned by the Enquiry Officer regarding the alleged attempt of the petitioner to assault on the Assistant Commandant. The relevant question and answer read as under:

“Q. No. 2- Did Ct. JP Gautam use abusive language for being posted for general beat duty, and did he advance with the intention to assault?”

Ans. Ct. JP Gautam used the word “*tum*” and said that he would deal with him and that he would teach him how to do his job. **I did not see him advance with the intention to assault.**”

(Emphasis supplied)

40. A plain reading of the answers elicited from PW-3 ASI/Clk R.P. Tiwari and PW-4 Const./Amar Singh, both in response to the direct questions put by the Enquiry Officer himself and during cross-examination by the petitioner, unequivocally show that both the witnesses have categorically deposed that the petitioner did *not* make any attempt to assault or threaten to assault the Assistant Commandant, Shri D.D. Ghosh in their presence.

41. However, by relying upon the testimony of this PW-3 ASI/ Clk R.P. Tiwari and the Enquiry Report dated 06.05.1999, the respondent nos. 2, 3 and 4 have concluded that the charge of the attempt to assault the Assistant Commandant was proved against the petitioner. This finding, however, is wholly unsupported by any evidence on record. Therefore, the conclusion drawn by the respondent nos. 2, 3 and 4 in their impugned orders holding the petitioner guilty of the charge of attempt to assault is based on no evidence. So also, the finding of the Enquiry officer in the Enquiry Report



that the allegation of attempt to assault in Charge No. 1 stands proved is incorrect and based on no evidence.

iii. **Embellishment by Assistant Commandant, DD Ghosh, as regard use of abusive language in his statement recorded before the Enquiry Officer.**

42. This Court observes that Assistant Commandant D.D. Ghosh, who was examined as PW-1, deposed that *after* the petitioner was escorted out of his office by PW-3 ASI/Clk R.P. Tiwari and PW-4 Const./Amar Singh, the petitioner allegedly raised threats and used abusive language while passing through the Main Gate, which is stated to be situated at a distance of approximately 12-15 yards from the office of the Assistant Commandant.

43. In this context, the testimony of PW-5, HC/GD Inder Singh, who was posted as the guard at the Main Gate, assumes significance. During his cross-examination, and in response to a specific query put by the Enquiry Officer regarding the use of abusive language by the petitioner, PW-5 categorically answered in the negative. The answers of PW-5 to the Enquiry Officer read as under:

“Q1. Whether Constable J.P. Gautam was giving filthy abuses to Assistant Commandant?”

Ans. **No**, I did not hear.”

(Emphasis supplied)

Similarly, in cross-examination of PW-5 by the petitioner with respect to alleged use of abusive language by the petitioner on 09.11.1998, PW-5 has categorically answered negatively. The answers of PW-5 in the cross-examination read as follows:

“Q 2: After I entered the office of the Assistant Commandant, did you hear any abusive or threatening words?”

Answer: I did **not** hear any.



Question 3: When I was leaving the office of the Assistant Commandant through the main gate, was I uttering threats or abusive language?

Answer: No.”

(Emphasis supplied)

44. PW-4 Const./Amar Singh has in his cross-examination denied that the petitioner abused the Assistant Commandant.

45. PW-5, HC/GD Inder Singh, who was posted on guard duty at the Main Gate, would ordinarily have been the most natural and material eye-witness to the specific allegations of abuses hurled by the petitioner at the Main Gate, as levelled by the Assistant Commandant against the petitioner. So also, since PW-4 Const./Amar Singh escorted the petitioner out of the chamber, he would have been naturally the first witness to hear the alleged abuses. Thus, the testimonies given by PW-4 and PW-5 squarely contradict the said allegation made by the Assistant Commandant. PW-4 and PW-5’s testimony clearly establishes that the assertions made by PW-1 to the effect that the petitioner used abusive language after leaving the office while passing through the Main Gate is an embellishment and is factually incorrect.

This embellishment casts serious doubt on the veracity of the allegations of abuse attributed to the petitioner during the exchange in the chamber as made by the Assistant Commandant, both in his testimony and in the complaint, leading this Court to conclude that the said allegations of abuse have been added to embellish the charge of indiscipline and misbehaviour.

iv. **Use of abusive language in the chamber of the Assistant Commandant**

46. PW-1, Assistant Commandant Shri D.D. Ghosh has alleged that the petitioner abused him during the interaction dated 09.11.1998 in his



chamber. In order to sustain this charge, respondent nos. 2, 3 and 4 have placed reliance on the testimony of PW-3 ASI/Clk R.P. Tiwari.

47. In his testimony, PW-1 has himself not deposed on the exact words used by the petitioner which could be construed as an abuse. The Enquiry Officer has relied upon the testimony of PW-3 ASI/Clk. R.P. Tiwari for its finding on this charge. PW-3 ASI/Clk. R.P. Tiwari deposed that petitioner while addressing the Assistant Commandant was using the word “*tum*”. This usage forms the basis of the finding of the charge of abuse.

48. This Court has already opined hereinabove that the presence of PW-3 ASI/Clk. R.P. Tiwari in the chamber of PW-1 as well as office itself at the relevant time has been disproved by PW-4 and PW-5. Notwithstanding the same, this Court has examined the testimony of PW-3 ASI Clk. R.P. Tiwari and finds that the expression of alleged abuse i.e., “*tum*” deposed by PW-3 does not qualify as abuse. The allegation that the petitioner abused the Assistant Commandant is not proved from the testimony of PW-3. The use of the said expression “*tum*” while addressing a superior officer can be construed as disrespectful but certainly not abusive. This distinction is relevant for assessing the proportionality of penalty imposed by the respondent authorities on the petitioner.

49. The finding of the Enquiry Officer and respondent nos. 2, 3 and 4 to the effect that the petitioner abused the Assistant Commandant on 09.11.1998 is based on no evidence.

CONCLUSION ON PART I

50. Having examined the statements of PW-3, PW-4 and PW-5, this Court concludes that the:

(i) PW-3 ASI/Clk R.P. Tiwari was not present in the office when the



incident occurred on 09.11.1998 at 10:15 hours until 10:25 hours. ASI/Clk R.P. Tiwari's testimony cannot be relied upon.

(ii) The allegation under Charge No.1 that the petitioner stepped forward with the intention of causing physical harm to Assistant Commandant Shri D.D. Ghosh stands categorically negated by the testimonies of prosecution witnesses PW-3 ASI/Clk R.P. Tiwari and PW-4 Const./Amar Singh.

(iii) The allegation under Charge No.1 that the petitioner abused Assistant Commandant Shri D.D. Ghosh, by using filthy or objectionable language, has been specifically denied by PW-4 Const./Amar Singh, who was the sole witness present in the office at the time of the alleged incident.

(iv) The assertion of PW-1, Assistant Commandant Shri D.D. Ghosh, that the petitioner continued to use abusive and objectionable language after being escorted out of the chamber while passing through the Main Gate, stands negated, as PW-5, who was posted on guard duty at the said gate, has categorically denied the occurrence of any such conduct.

51. In view of the aforesaid findings, this Court is of the considered view that the allegations under Charge No. 1, insofar as they relate to the petitioner having used abusive language while addressing the Assistant Commandant and having stepped forward with the intention to cause physical harm to the Assistant Commandant, stand not proved. The findings of the Enquiry Report and respondent nos. 2, 3 and 4 holding to the contrary are based on no evidence.

52. The Enquiry Officer, in his report dated 06.05.1999, has merely concluded that Charge No. 1 stands proved, without recording any reasons in support thereof especially with respect to use of abusive language and attempt to approach the complainant with an intent to cause physical harm.



The Report merely summarises the testimony of the witnesses and does not disclose any independent analysis or reasoning leading to the said conclusion. Therefore, the finding given by the Enquiry Officer in its report qua the charge of abuse and attempt to assault is unreasoned and is based on no evidence.

53. The Appellate Authority, vide show-cause notice dated 05th/08th February, 2000, called upon the petitioner to explain as to why the punishment of reduction in pay grade imposed by the Disciplinary Authority vide order dated 24.06.1999, as modified on 15.07.1999, should not be enhanced to the extreme penalty of dismissal from service. The contents of the Show Cause Notice show that the findings of the Enquiry Officer to the effect that the charge of abuse and attempt to assault stood proved against the petitioner weighed heavily and resulted in issuance of the Show Cause Notice. The Appellate Authority by its order dated 25.06.2000 relied upon the statement of PW-3 ASI/Clk R.P Tiwari and PW-4 Const./Amar Singh to conclude that the allegation of abusive language and attempt to assault stands proved.

54. In view of the findings recorded hereinabove, namely that the testimony of PW-3, ASI/Clk R.P. Tiwari, is wholly unreliable as it is evident that he was not present at the spot, and that the statement of PW-4 Const./Amar Singh clearly records that the petitioner neither abused nor attempted to assault Assistant Commandant Shri D.D. Ghosh, the very evidentiary foundation of the impugned order dated 21.11.2000 is rendered non-existent. Furthermore, PW-3 ASI/Clk R.P. Tiwari has categorically denied any attempt of assault, by the petitioner. Consequently, the 1st order dated 21.11.2000 passed by respondent no. 4 directing the petitioner's



removal from service is unsustainable in law and is liable to be quashed.

55. The aforesaid infirmity stands reiterated by the Appellate Authority in its order dated 26.07.2019 as well as by the Revisional Authority in its order dated 25.06.2000 as these authorities as well, erroneously concluded that the charge of abuse and attempt to assault has been proved.

56. Consequently, all the said orders dated 21.11.2000, 26.07.2019 and 25.06.2020 passed by the respondent no. 4, respondent no. 3 and respondent no. 2 respectively are vitiated for want of evidence and are liable to be set aside as they are based on no evidence (**Union of India (UOI) vs. P Gunasekaran¹², B.C. Chaturvedi vs. Union of India (UOI) and Ors¹³, Sher Bahadur v. Union of India and Ors.¹⁴) and Kuldeep Singh v. The Commissioner of Police and Ors.¹⁵** The said orders are accordingly hereby set aside.

II. Legality and Sustainability of the Order dated 24.06.1999 as modified on 15.07.1999 passed by Respondent No. 5/i.e., disciplinary authority

57. This leads the Court to examine the initial order dated 24.06.1999, as modified on 15.07.1999, whereby the Disciplinary Authority imposed the penalty of reduction in pay scale from Rs. 3270 to Rs. 3125 for two years with immediate effect as well as stoppage of increments during the period of two years and further directed that the petitioner's period of suspension shall not be treated as duty. The said punishment was founded upon the findings recorded by the Enquiry Officer in respect of Charge No.1 and Charge No. 2.

58. Charge No.1 records that the petitioner entered the chamber of

¹² (2015) 2 SCC 610 at para 12

¹³ (1995) 6 SCC 749 at para 12

¹⁴ (2002) 7 SCC 142 at para nos. 6 and 7

¹⁵ (1999) 2 SCC 10 at para nos. 6, 7, 8, 9 and 10



Assistant Commandant Shri D.D. Ghosh, without prior permission, and an exchange took place between them in relation to the change in shift duty.

59. Upon a careful examination of the testimonies of PW-1, PW-4 and PW-5, this Court finds that the allegation under Charge No.1, to the limited extent that the petitioner entered the office of Assistant Commandant Shri D.D. Ghosh on 09.11.1998 at about 10:15 hours, resulting in a heated exchange regarding the change of normal shift duty, stands proved. PW-4 has deposed that the petitioner was addressing the Assistant Commandant in a loud voice. Additionally, it is an admitted fact that PW-4 was called by the Assistant Commandant to have the petitioner escorted out, which also indicates that there was an argument or heated exchange between the petitioner and the Assistant Commandant, which can reasonably be construed as indiscipline and misbehaviour.

The proof of the said charge, when considered in the backdrop of Charge No. 2, which shows that the petitioner had earlier been found guilty of disciplinary misconduct on four prior occasions¹⁶ including misconduct with seniors on two previous occasions, sufficiently justifies the punishment order of the Disciplinary Authority dated 24.06.1999 as modified on 15.07.1999. This Court, therefore, finds no reason to interfere with or quash said order of the disciplinary authority.

¹⁶ A tabulated statement detailing the said previous instances of misconduct as provided in the order dated 24.06.1999 passed by the respondent no.5 is set out hereunder:

S.NO	Offence	Sentence
1.	Misbehave with Head Constable	Stopage of increment of the salary for one year
2.	Absent from duty	Three days pay fine
3.	Overstaying from leave	Reduction of Pay level
4.	Misbehaved with Sub Inspector/Exe	Two days pay fine



60. Also, this Court is of the opinion that the penalty imposed by the Disciplinary Authority. i.e., respondent no.5 was proportionate to the degree of misconduct proved under Charge No. 1, particularly in view of the existence of prior instances of misconduct attributable to the petitioner under Charge No. 2.

DIRECTIONS

61. In view of the findings recorded hereinabove, this Court sets aside the impugned order dated 21.11.2000 whereby the punishment of the petitioner was enhanced to removal from service, as well as the appellate order dated 26.07.2019 and the order dated 25.06.2020 passed by the revisional authority.

Furthermore, while upholding the punishment imposed by the respondent no.5/Disciplinary Authority vide order dated 24.06.1999 as modified on 15.07.1999, the petitioner is directed to be reinstated in service with all consequential benefits. The period between the date of his removal from service and his date of reinstatement would be treated as a period 'in service', for all intents and purposes, including notional fixation of pay, seniority, and other incidental benefits. It is clarified that the petitioner will not be entitled to any arrears of pay. The consequential orders will now be issued not later than eight weeks from today.

62. The writ petition is accordingly partly allowed in the aforesaid terms. All pending applications, if any, stand disposed of.

63. This Court observed that there exists a discrepancy between the documents annexed by the Petitioner in the Hindi language and their true translated copies. Since the said documents have been translated by this Court itself, through its translation branch, the Court master is directed to



2026:DHC:1191-DB



take on record the translated copies of the documents, i.e., statements of the witnesses, Enquiry Report dated 06.05.1999 and show cause notice dated 5th/8th February 2000, order dated 15.07.1999 passed by the respondent no.5.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 12, 2026/hp/AJ