



\$~81

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

% *Date of Decision : 14th January, 2026*

+ W.P.(C) 442/2026 CM APPL. 2122/2026

WASNIK ISHANT RAJENDRA

.....Petitioner

Through: Mr. Mandeep Baisala, Mr. Dhanajay Singh, Mr. Atal Singh, Mr. Kavesh Bidhuri, Mr. Shobhit Anand, Advs.

versus

UNOIN OF INDIA & ORS.

.....Respondent

Through: Mr. Brijesh Yadav, SPC, Mr. Jitendra Kumar Tripathi, GP.
Mr. Krishana M, AC, Mr. Sanjay Kumar, Inspector, Mr. Sandeep, CT, CISF.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO , J. (ORAL)

1. This petition has been filed with the following prayers:

"In the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to issue:

i. Issue a writ of Certiorari, or any other appropriate writ, order, or direction, quashing the impugned Unit Service Order No. V-15014(3)/CISF/FBP(F)/L&D/2021/11267 dated 23.11.2021 issued by Respondent No. 2, and the appellate order No. V-11014/KAUSUB/S.E.Z-I/ADMN-II/APPEAL-10/WIR/2022/3955 dated 19.05.2022 issued



by Respondent No. 3, whereby the Petitioner was removed from service and his statutory appeal was rejected as time barred;
ii. Further, direct Respondents No. 1 to 3 to reinstate the Petitioner to the post of Constable (GD) in the CISF, along with all consequential service benefits, including seniority, increments, and allowances. ...”

2. In effect, the petitioner is challenging the order dated 23.11.2021 passed by the Disciplinary Authority and also the order dated 19.05.2022 passed by the Appellate Authority, whereby, the petitioner has been imposed penalty of removal from service and his statutory appeal was rejected as being time barred.
3. Having heard the learned counsel for the petitioner, it is conceded position that the petitioner was issued a charge-sheet for certain misdemeanors which included that the petitioner, who was deployed for PTL duty in Watch Tower 03 and 04, during the night shift of 20.06.2021, upon being checked by Sub Inspector/Dependence Gurbinder Singh, he was found sleeping in a semiconscious state on the floor of Watch Tower 04 after consuming alcohol, with his shoes, belt and pants unhooked.
4. The allegations also reveal that he was punished with six minor punishments for indiscipline, negligence, dereliction of duty and violation of lawful orders during his period of service.
5. It is found that the misdemeanors in the past includes he was found sleeping while on duty; non completing the training during the drill TOT course; found in a drunken state while on duty.
6. It is a conceded position that the charges against the petitioner have been proved. The Disciplinary Authority while passing the order on



23.11.2021 has keeping in view the findings against the petitioner has imposed the penalty of removal on him.

7. The appellate authority order dated 19.05.2022 *inter alia* reads as under:

“3. AND WHEREAS, the appellant had received the charge memorandum on 07.08.2021 and did not submit his reply against the charge memorandum within the prescribed time limits of 10 days. Hence, he was given another 03 days more time to submit his reply vide letter date 18.08.2021 but again he did not submit reply against the charge memorandum. As such disciplinary authority felt necessary to conduct an enquiry into the allegation levelled against him to bring out the facts of the allegation. Accordingly, the disciplinary appointed EO & PO vide order dated 24.08.2021. EO conducted the enquiry on day to day basis. The appellant had attended the preliminary hearing and enquiry proceedings and EO had given him the opportunity to cross examine the witnesses but he denied it. After, recording the statement of prosecution witnesses, the defense statement of the appellant was recorded by the EO. A copy of PO Brie was also supplied to the appellant on 24.09.2021 and charged official submitted his brief report to the EO on 29.09.2021. After completion of the DE proceedings, the EO submitted the DE case files along with the enquiry report to the disciplinary Authority on 26.10.2021. Being agreed with the enquiry report, the disciplinary authority forwarded a copy of enquiry report to the appellant with the direction to submit reply within 15 days from the date of receipt of the enquiry report vide letter dated 28.10.2021 which was acknowledged by the appellant or 29.10.2021. The appellant again did not submit his representation against the enquiry report within the prescribed time limit. Hence, he was given another 03 days more time to submit his representation against the enquiry report vide letter dated 15/11/2021 which was acknowledged by the appellant on 16.11.2021 but again he failed to submit his representation. The Disciplinary Authority having no other option, considered the records available in DE case files and other



material evidences held in case file, hold the appellant guilty of the charges levelled against him and awarded the punishment of "Removal from Service" vide Sr. Commandant, CISF Unit FBP Farakka, Final Order No. V-15014/Maj/WIR/Disc/FBP(F)/2021/11244 dated 22/11/2021 which was acknowledged by the appellant on 22.11.2021.

4. AND WHEREAS, being aggrieved with the above penalty awarded by the Disciplinary Authority, the appellant preferred an appeal petition dated 12.03.2022 addressed to DIG, CISF SEZ-1 HQrs Kolkata which is beyond the period of limitation of 30 days prescribed in Rule-47 of CISF Rules, 2001. While passing the punishment order dated 22.11.2021, the disciplinary authority also informed the appellant vide para-10 of final order that he may submit appeal against the penalty to DIG SEZ-1 Kolkata within 30 days from date of receipt of final order, if he desires to do so. Appellant received the final order on 22.11.2021 and submitted the appeal petition on 12.03.2022 (i.e delay of more than 02 months from expiry of prescribed time limit). The appellant has also not submitted his justification about delay in submission of his appeal petition.

5. NOW, THEREFORE, I find no reason to entertain the appeal petition dated 12.03.2022 preferred by No.130113344 Ex-Const(GD) Wasnik Ishant Rajendra, formerly of CISF Unit FBP Farakka and, therefore, reject the same being timebarred."

[Emphasis Supplied]

8. Though, the appellate authority has stated that the appeal petition filed on 12.03.2022 by the petitioner, is time barred, we have heard the learned counsel for the petitioner on merits as well.

9. Noting the charges framed against the petitioner, including charges about his past misdemeanors and the resultant penalties imposed upon him and the fact that the inquiry officer has proved the charges against the petitioner which are/is for serious misdemeanor(s) and the penalty



2026:DHC:312-DB



commensurate the charges framed and proved, in the facts of this case, we are of the view that no interference is called for with both the orders impugned before us, in this writ petition.

10. Accordingly, the petition along with pending application(s), if any, is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 14, 2026

tg