



2026:DHC:3368-DB



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

*Date of Decision: 22.04.2026*

+ W.P.(C) 5429/2026

MANISH KUMAR UPADHYAY .....Petitioner

Through: Mr. Bhanu Gupta, Advs.

versus

UNION OF INDIA AND ORS. ....Respondents

Through: Ms Shivani Luthra Lohiya, Mr. Nitin Saluja, Ms. Vasudha Singh, Advs. with Mr. Ajay Pal, Law Officer, Insp Athurv and Mr. Ramniwas Yadav, CRPF.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**J U D G M E N T ( O R A L )**

**AMIT MAHAJAN, J.**

1. The present Petition has been filed assailing the impugned orders dated 22.03.2024, 22.02.2025 and 23.09.2025, passed during the disciplinary proceedings conducted against the Petitioner herein, *vide* which he was held guilty of the charges imposed and consequently *removed from service*.

2. Succinctly stated, the Petitioner was appointed in the Central Reserve Police Force ('CRPF') on 25.08.2011 to the post of Constable/GD.

3. On 01.06.2023, the Petitioner was arrested in FIR No. 256/2023 registered at Police Station Chaubepur, Varanasi, under section 302 of the Indian Penal Code, 1860 and was sent to judicial custody. Hence,



on 02.09.2023, the Commandant-70 BN CRPF, proposed to initiate inquiry against the Petitioner and a memorandum of charge was issued upon him, details of which are reproduced herein below: -

***“Details of the charges levelled against Bal no 110727137 Constable Manish Kumar Upadhyay (G/70 Bn)***

***Item – ONE***

***That Bal No 110727137 Constable /Manish Kumar Upadhyay (G/70 Bn), while working as a Constable/GD in the CRPF, being a member of the Force Under Section 11(1) of the CRPF Act 1949, has committed disobedience of orders/neglect of his duty/laxity in the discharge of his duty/other misconduct or misbehavior. In this, form 06/04/2023 until now, he has remained absent from duty of his own volition without the permission of any competent authority, misguided the force by giving wrong information to the department and submitting an application for extension of leaves on the basis of false facts, which is against the good conduct/behavior of the force as a disciplined force member.***

***Item – TWO***

***That Bal No Constable/GD Manish Kumar Upadhyay (Gn/70 Bn), while working as a Constable/GD in the CRPF being a member of the Force Under Section 11 (1) of the CRPF Act 1949, has committed disobedience of orders/neglect of his duty/laxity in the discharge of his duty/other misconduct or misbehavior. The personnel has been informed under letter number Reader/SHO (Prosecution Sanction)/2023 dated 01/08/2023 from the office of Police Station- Chaubepur Commissioneraate Varanasi that he has been arrested under registered Case Crime No 256/2023 Under Section 302 at the***



**local police station and sent to judicial custody.** *The personnel did not inform the force about the arrest and concealed the facts from the department. Due to this act of the personnel, the image of the force has been tarnished. This unseemly act is against the good conduct/behavior of the force as a disciplined force member.*

*(Tashi Gayalik) Commandant-70 Battalion CRPF”*

4. The “*details of accusation of disobedience/neglect of duty/laxity in performance of duty or other misconduct as a member of the force*”, issued upon the Petitioner are reproduced herein below: -

***“Discription of the imputation of misconduct or misbehaviour in support of the charges leveled against Bal No 110727137 Constable/GD/10 Bn***

***Item- ONE***

*That is to say that Bal No. 110727137 Constable/GD Manish Kumar Upadhyay (GD/10 Bn) while working as a Constable/GD being a member of the Force under Section 11(1) of the CRPF Act 1949, committed disobedience of orders/neglect of his duty/laxity in the discharge of his duty/other misconduct or misbehavior Bal No.110727137 Constable/GD Manish Kumar Upadhyay was on 15 days casual leave from 16/03/2023 to 05/04/2023 (including permission dated 30/03/2023 & 04/04/2023, GH 22/03/2023 , RA 19/03/2023, 28/03/2023 & 02/04/2023 and Sunday ). After the leave expired, the personnel did not report for duty in the office and was absent from leave since 06/04/2023. Thereafter, the personnel submitted another application on 15/05/2023 stating that he would report for duty on 16/05/2023, but the personnel did*



not report for duty on 16/05/2025. Subsequently, the personnel submitted another application on 19/05/2023 stating that he would report for duty on 25/05/2023. In this regard, the competent authority had extended the personnel's leave till 26/05/2023. After this, the personnel did not report for duty on 26/05/2023 either, and on 26/05/2026, he submitted another application stating that the personnel would report by 28/05/2023, but the personnel did not report for duty even after 28/05/2023 had passed. **Accordingly, an arrest warrant was also issued against the personnel by this office on 30/05/2023. Meanwhile, it came to the knowledge of this office through the online news portal www.jagran.com dated 02/06/2023 that the personnel had been arrested by the Civil Police, Mata Shri Varanasi, (Uttar Pradesh) on 01/06/2023. The personnel did not report for duty and repeatedly misled this office by requesting extension of leave, which is against the good conduct/behavior of a disciplined Bal member.**

#### **Item- TWO**

That Bal No. 110727137 Constable GD/Manish Kumar Upadhyay (G/70 Bn), while working as a Sub- Inspector/GD, being a member of the CRPF under Section 11(1) of the CRPF Act 1949, committed disobedience of orders/neglect of his duty/laxity in the discharge of his duty/other misconduct or misbehavior. Information was sought from the office of Police Station-Chaubepur Commissionerate Varanasi under letter no. G-69 SHO (Prosecution Permission)/2023 dated 01/08/2023 regarding Manish Kumar Upadhyay S/O Anil Upadhyay resident of Phulwaria Post-Samudpur, Police Station-Balua, District Chandauli. **In this regard, it is informed that the name of accused**



**Manish Kumar Upadhyay S/O Anil Upadhyay resident of Phulwaria, post-Samudpur, Police Station-Balua, District-Chadauli has come to light in case file no. 256/2023 under Section 302 IPC registered at the local police station. He has been arrested on 01/06/2023 and sent to judicial custody. In this sequence, 95 Bn. Sent its wireless no. eight-01/2023-95-stha-Two dated 09/06/2023, this office was informed that a special representative from their Battalion was sent to Police Station – Chaubepur, Varanasi (Uttar Pradesh) on 09/06/2023, and they orally informed that a case is registered against an unknown person under Section 302, Case No.- 256/2023, and the scene of the incident is Bhagatuwa Chauraha , P.S. – Chaubepur,, Varanasi (Uttar Prades). The case is registered against an unknown person, and the personnel has been arrested based on identification because the motorcycles was seized at the scene of the incident based on its registration on 01/06/2023. The Commandant- 70 Battalion was informed about the said case against Bal No 110727137 Constable/GD Ganesh Kumar Upadhyay through the police. **The personnel did not inform the department about the arrest and concealed the facts from the department. Due to this act of the personnel, the image of the force has been tarnished. This indecent act, as a member of a disciplined force, is against the good conduct/behavior of the force.****

(Tashi Gyalik) Commandant-70  
Battalion,CRPF”

(emphasis supplied)

5. After conducting a detailed departmental inquiry and giving the Petitioner an opportunity to defend his case, the Assistant Commandant/Inquiry Officer submitted the Inquiry Report before the



Disciplinary Authority and held the Petitioner guilty of both Items/Charges One and Two, by observing that the information about the Petitioner's arrest was received from the civil police and the Petitioner had sent false information to the department regarding his absence.

6. The Disciplinary Authority, after considering the Reply of the Petitioner, upheld the observations of the Inquiry Officer, concluded that the Petitioner is guilty of serious misconduct and thus, imposed a penalty of "*removal from service*" upon the Petitioner on 22.03.2024.

7. The Petitioner, who was released on Bail on 28.11.2024, filed an Appeal against the above order, which was dismissed by the Appellate Authority on 22.02.2025, with observations that the penalty imposed by the Disciplinary Authority is proportionate to the offense committed by the Petitioner, all the grounds raised by the Petitioner have already been dealt with by the competent authorities and no new ground for interference has been brought forth.

8. Aggrieved by the Orders of the Disciplinary and Appellate Authority, the Petitioner further preferred a Departmental Revision, which was dismissed by the Revisional Authority, on 23.09.2025, by observing that *firstly*, the Departmental Enquiry was conducted strictly in accordance with Rules and regulations by giving ample opportunities to the petitioner; *secondly*, the Petitioner has deliberately concealed the material fact of his involvement in a criminal case and failed to report the matter to the department, thereby violating the principles of discipline and transparency expected of a member of the Force in CRPF; and *thirdly*, the penalty of "*Removal from Service*" is



commensurate with the gravity of misconduct on the part of the Petitioner. The relevant extract is reproduced herein below: -

*“5. AND WHEREAS, the undersigned has gone through the Revision Petition dated 25/03/2025 and after careful examination of this revision petition dated 25/03/2025 submitted by the Petitioner, with the relevant records and DE proceedings, it has been observed that the petitioner was sanctioned 15 days casual leave from 16/03/2023 to 05/04/2023 with permission to avail 30/03/2023, 04/04/2023 G.H., 22/03/2023 R.H. and 19/03/2023, 26/03/2023 and 02/04/2023 being Sundays. He was due to report back for duty on 05/04/2023 in the evening roll call, **but he failed to do so and overstayed from leave w.e.f. 06/04/2023 without any permission/prior sanction of leave from the Competent Authority.***

*6 **Despite several directives from the Company Commander, G/70 Bn, vide letters dated 15/04/2023, 24/04/2023 and 02/05/2023, the petitioner neither reported for duty nor communicated with the unit with supported documents. However, petitioner submitted requests for extension of leave citing an accident and also failed to report on the dates as assured by him. Based on his persistent absence and misleading department, a warrant of arrest was issued on 30/05/2023. The petitioner deliberately concealed the material fact of his involvement in a criminal case and failed to report the matter to the department, thereby violating the principles of discipline and transparency expected of a member of the Force in CRPF.***



7. AND WHEREAS, on 10/06/2023, a communication from SHO,PS Baluwa, Chandauli (U.P.) revealed that a criminal case (FIR No.256/2073 under Section 302 IPC) had been registered against him at PS-Chaubepur, Varanasi, and petitioner was arrested on 01/06/2023 and remained in Judicial custody at District Jail, Varanasi. The petitioner was placed under deemed suspension w.e.f. 01/06/2023 under Rule 10(2) of the CCS (CCA) Rules, 1965, vide order dated 21/06/2023. **The civil police later confirmed sufficient evidence was found during investigation under FIR No. 256/2023.** In view of his unauthorized absence, deliberate misrepresentation, and involvement in a serious criminal offence, the Disciplinary Authority initiated Departmental Action against the petitioner and Memorandum of Charges was framed vide letter No.P.VIII01/2023-70-EC-II dated 02/09/2023. **Every members of the force are expected to have the core values of discipline, integrity, and public trust. The petitioner was to maintain exemplary conduct and discipline at all times, whether on duty or off duty. The act of misconduct of the petitioner is wholly incompatible with the ethical standards of the disciplined force. The petitioner's involvement in a grave and heinous criminal case has severely undermined the image and reputation and also detrimental to the dignity and credibility of the Force.**

AND WHEREAS, **the Departmental Enquiry was conducted strictly in accordance with Rules and regulations by giving ample opportunities to the petitioner in jail at every stage of enquiry to defend himself, but he failed to submit any evidence/documents in support of his defence.** Further, petitioner also refused to avail services of Defence Assistant during the preliminary bearing. The memorandum



*of charges were served on the petitioner with the charges of overstaying from leave and for not informing department about his involvement in criminal cases as well as on his arrest by the Civil Police. The statement of petitioner in his revision petition dated 25/03/2025 that he was falsely implicated in a FIR vide case crime No 256 of 2023 lodged against him cannot be taken into consideration since it is subjudice.*

**9 As regards non-conducting of DE in Jail also refuted since no such request put forth by the petitioner during enquiry. Petitioner's claim that he was not provided with documents is also refuted, since he had himself admitted that he has received all connected documents in questionnaire dated 26/10/2023. Further petitioner also denied availing facility of defence assistant during proceedings.**

*Further, the Petitioner, in his present revision petition dated 25/03/2025 has not submitted any new fact or evidence in support of his request to set aside/ to interfere with the orders passed by the Disciplinary Authority or the Appellate Authority. The penalty of "Removal from Service" with effect from 22/03/2024 (AN) imposed upon the petitioner is commensurate with the gravity of misconduct on the part of the petitioner.*

*NOW THEREFORE, by virtue of powers vested in Rule 29 of CRPF, Rules 1955, 1, after considering the petition and applying my mind judiciously, find no cogent reasons to interfere with the penalty imposed upon the Petitioner vide order No.P.VIII-2/2024-EC-11 dated 22/03/2024 of the Commandant 70 Bn CRPF and punishment upheld by the DIGP, Range, CRPF, Gandhinagar vide order No.R.XIII-*



70/2025-EC-3-Range GNR dated 22/02/2025. The penalty of "Removal from Service" awarded to No.110727137 Ex-CT/GD Manish Kumar Upadhyay of 70 Bn. CRPF, is found to be just, fair, and proportionate to the gravity of the misconduct committed by the Petitioner. **Given the seriousness and recurring nature of the indiscipline, the punishment awarded is appropriate and warranted in the interest of maintaining the standards of discipline and integrity within the force. Accordingly, the revision petition dated 25/03/2025 preferred by the petitioner is hereby rejected, being devoid of merit.**

(Virendra Agrawal) Inspector General”

(emphasis supplied)

9. Hence, the Petitioner has approached this Court, by way of the present petition.

10. The learned Counsel for the Petitioner has essentially submitted that mere registration of an FIR, without an order of conviction, ought not to have resulted in Petitioner's removal from service and even otherwise, the penalty imposed is not commensurate with the charges issued. It is further urged that no proper opportunity was awarded to him to defend his case, which is in violation of principles of natural justice.

11. *Per Contra*, the learned Counsel for the Respondents vehemently submit that the present petition is liable to be dismissed as the Petitioner had himself accepted guilt of the charges imposed during the preliminary hearing and the findings arrived by the above Authorities are duly supported by material placed on record.



12. It is further submitted that the misconduct is grave in nature, involving breach of discipline by a member of the forces and that the punishment imposed is justified.

13. Submissions heard and the record of has been perused by this Court.

14. It is well settled that the scope of judicial review in matters arising out of disciplinary proceedings, particularly by the armed forces, is well circumscribed. This Court cannot sit as an appellate authority over disciplinary proceedings and interference is warranted only in cases of procedural illegality, perversity, or violation of principles of natural justice. It is also no more *res-integra* that adequacy of evidence or reappraisal thereof is not within the domain of judicial review.

15. Now, advertent to the facts of the instant case, the argument that the Petitioner has been dismissed from service merely on registration of an FIR, is highly misconceived, as the charge does not merely pertain to registration of the FIR, but is of deliberate concealment and non-disclosure of his arrest in the an FIR registered for a serious charge of murder and of furnishing of false information before the department for seeking unauthorised leaves *in lieu* of his arrest.

16. Suppressing a material fact such as involvement in a criminal case has a clear bearing on the character, conduct and antecedents of an employee and if it is found that the employee has given false information in relation to his suitability to the post then the order for his termination cannot be faulted.



17. Additionally, the Inquiry Officer, the Disciplinary Authority, the Appellate Authority as well as the Revisional Authority, have already passed detailed orders holding the Petitioner guilty, already covering all the grounds raised by the Petitioner herein, which can be summarized as under: -

- a) The Petitioner was sanctioned only 15 days casual leave but he overstayed from leave without any permission/prior sanction of leave from the Competent Authority;
- b) Despite several directives from the Company Commander, the petitioner neither reported for duty nor communicated with the unit with supported documents;
- c) The Petitioner submitted requests for extension of leave citing several reasons such as an accident etc. and deliberately concealed the material fact of his involvement in a criminal. Case;
- d) The Petitioner submitted a false medical document dated 13.05.2023 along with the application for extension of leave and it was found that the name of the patient mentioned in the said advice slip is *Manoj Upadhyay* (who is the brother of the Petitioner);
- e) Hence, for furnishing false information/documents, an arrest warrant was issued against the Petitioner, by the Commandant- 70 BN CRPF, and it was only during the execution of the warrant it was revealed by the concerned SHO that the Petitioner has been arrested in the criminal



case and is in judicial custody. This proved that he was hiding information of his arrest;

f) During the proceedings, it has been admitted that the documents *inter alia* witness statements, reports, orders etc. have been supplied to the Petitioner and he had been given the opportunity to give his statement of defence, reply to charges, take a defence assistant, cross-examine witnesses, which he himself did not avail.

18. Manifestly, such conduct of the Petitioner misleading the Department amounts to a serious breach of discipline and a conscious compromise of the trust reposed in a member of a force and removal of the Petitioner from service does not appear to be a disproportionate penalty.

19. Even otherwise, during the preliminary hearing, the Inquiry Officer has recorded the statement of the accused employee regarding acceptance of guilt/non-acceptance of guilt and the accused employee has accepted his guilt on the charges levelled against him in items one two and merely stated that he did not know that the department had to be informed. The same is reproduced herein below: -

*“Question:- 2 After the statements, questions and answers, and cross-examination of all prosecution witnesses, do you still accept the charges leveled against you under Memo No. P-Eight-01/2023-Estt Two-70 dated 02/09/2023, Article-1 & Article-2?”*

**Answer:- Sir, I accept the charges leveled in Article-One, and I also**



**accept the charges leveled in Article-Two, but I did not know that the department had to be informed about the arrest either in written or oral form.”**

(emphasis supplied)

20. Once such charges, which strike at the core of integrity, have been admitted by the Petitioner and there is evidence supporting the same, the quantum of punishment imposed would lie primarily within the domain of the Competent Authority and unless the punishment is shown to be shockingly disproportionate to the gravity of the misconduct or suffers from arbitrariness, this Court, in exercise of its jurisdiction under Article 226 of the Constitution, should refrain from re-opening concluded proceedings on any hyper-technical grounds.

21. In view of the foregoing, this Court is of the considered view that no ground for interference has been made out with the penalty imposed.

22. The present petition is accordingly dismissed, along with pending application(s), if any.

**AMIT MAHAJAN, J.**

**ANIL KSHETARPAL, J.**

**APRIL 22, 2026**

*Jan*