



2025:DHC:818-DB



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

Reserved on: 20.11.2024
Pronounced on: 11.02.2025

+ W.P.(C) 16071/2024

JAI PRAKASH

.....Petitioner

Through: Mr. Hardeep Singh Dahiya,
Adv.

versus

DIRECTOR GENERAL CENTRAL INDUSTRY SECURITY
FORCE & ORS.Respondents

Through: Mr. Rohan Jaitley, CGSC with
Mr. Hussain Taqvi, Mr. Dev
Pratap Shahi, Mr. Yogya Bhatia
and Ms. Ranjana Jetley, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

SHALINDER KAUR, J

1. By way of this petition, the petitioner, a Former Constable (General Duty) in the Central Industrial Security Force (CISF), who was Compulsorily Retired from service on 03.04.2017 pursuant to a Final Order of punishment issued by the Commandant, CISF 5th Reserve Battalion, has approached this Court, being aggrieved by the said Order as well as the subsequent rejection of his Appeal and Revision Petition by the Competent Authorities. He seeks, *inter alia*, a



direction to the respondent authorities to dispose of his pending Revision Petition on merits, as well as the setting aside of the Orders culminating in his compulsory retirement. Additionally, the petitioner prays for Reinstatement in service with all Consequential benefits.

Brief Facts:

2. The petitioner was enrolled as a Constable (GD) in the CISF in November 1998. After serving the Force for about 18 years, on 22.09.2016, the petitioner was served with the Memorandum of Charge (MOC) No. 9264 dated 22.09.2016 under Rule 36 of the CISF Rules, 2001, leveling two Charges against him, attributing gross indiscipline, misconduct, and negligence towards the duty. The Charges leveled against the petitioner, reads as below:

“CHARGE - I

Force No. 982120303 Constable/ GD Jaiprakash of CISF 5th Reserve Battalion, Ghaziabad, on date 06.9.2016 at about 2130, in barrack No 3 all of a sudden in anger to hit with belt attacked Force No. 130115829 Constable/GD Pradeep Kumar, when Constable/GD Pradeep Kumar sat down for dinner. During that time Constable/Barber Ram Prasad present there stopped Constable/ GD Jaiprakash and sent him back to his bed. Constable/ GD Jaiprakash is a disciplined member of armed Force and to attack his fellow member of Force in order to hit with belt in anger apart from being against rules of the Force is the gross indiscipline, misbehaviour, misconduct and negligence towards duty. Hence the Charge.

CHARGE-II

Force No. 982120303 Constable/ GD Jaiprakash of CISF 5th Reserve Battalion, Ghaziabad in his previous tenure of service



2025:DHC:818-DB



has been seven minor punishments by Disciplinary Authority of seven different units for indiscipline, misconduct and negligence towards duty but the Force member did not make any type of improvement in his conduct and behaviour. From this it is clear that he is habitual of making misuse of adequate opportunities of improvement. Hence the Charge.”

3. The petitioner, in response to the MOC, submitted a reply denying the allegations and asserting that the Charges framed against him were baseless and founded on a concocted narrative. However, the respondents found the petitioner’s reply unsatisfactory. Pursuant to which, a Departmental Inquiry was initiated to examine the Charges leveled against him. Upon completion of the Inquiry proceedings, the Inquiry Report dated 15.03.2017 was forwarded to the petitioner *vide* Letter No. 3032 dated 18.03.2017. Aggrieved by the findings of the Inquiry Report, the petitioner submitted a representation dated 30.03.2017, challenging the same. However, by way of the Final Order of punishment dated 03.04.2017, the Commandant, CISF, 5th Reserve Battalion, Ghaziabad, imposed upon the petitioner, the penalty of compulsory retirement from service. Pursuant thereto, and in accordance with Rule 40 of the Central Civil Services (Pension) Rules, 1972, the petitioner was granted full compensation pension, gratuity, and other pensionary benefits as admissible under the rules, effective from the date of his compulsory retirement.

4. The petitioner, thereafter, preferred an Appeal on 12.01.2018 before the Deputy Inspector General (DIG), National Capital Region Sector, CISF, challenging the Final Order of punishment. However,



the said Appeal was rejected on 01.03.2018 on the ground of being time-barred, citing a delay of 9 months and 8 days in its filing. Subsequently, the petitioner filed a Revision Petition on 23.12.2019 before the Inspector General (IG), National Capital Region Sector, CISF, which was also dismissed on 20.04.2020 on the ground of latches and being time barred, citing a delay of 1 year 9 months.

5. In this backdrop, the petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, assailing the Final Order of punishment, the Appellate Order, and the Order rejecting his Revision Petition.

Submissions on behalf of the parties:

6. Mr. Hardeep Singh Dahiya, the learned counsel for the petitioner submitted that the petitioner had been suffering from a heart condition, hypertension, and other ailments, both during his service and thereafter, which significantly impacted his health. He contended that the petitioner required several years to recover and was severely ill during the COVID-19 pandemic, which hindered his ability to pursue legal remedies within the prescribed time frame.

7. He submitted that both, the Appellate and Revisional Authorities, conducted the proceedings in a perfunctory manner and arbitrarily dismissed the petitioner's Appeal and Revision Petition without due consideration of his medical and financial hardships. He contended that the Appellate Authority, without examining the merits of the case, rejected the Appeal solely on the ground of delay of 09 months and 08 days. Similarly, the Revisional Authority, without



2025:DHC:818-DB



adopting a sympathetic view in light of the petitioner's serious medical condition, dismissed the Revision Petition on the ground of laches and delay of 1 year and 9 months.

8. The learned counsel for the petitioner, on merits, contended that Charge No. 1, which pertains to an alleged attack or assault on a fellow Force member, is the primary Charge against the petitioner and remains unsubstantiated by any specific evidence. He argued that the only material available on record indicates that, following a verbal altercation, allegedly provoked by the complainant, Constable Pradeep Kumar Gupta, the petitioner merely moved towards him. However, the Inquiry Officer, in an arbitrary and legally unsustainable manner, concluded that the petitioner had advanced towards the complainant in anger, with a belt in hand, intending to assault him. The Inquiry Officer, the learned counsel for the petitioner submitted, failed to appreciate the statements of PW-8 and PW-9, both of whom categorically stated that no belt was involved in the incident. Additionally, he submitted that Charge No. 2 was erroneously framed against the petitioner, as it merely cites previous instances where the petitioner had been subjected to seven minor punishments for alleged indiscipline, misconduct, and negligence in duty, without any assessment of whether his conduct had indeed remained unimproved.

9. He submitted that, since the petitioner had already been awarded seven minor punishments for seven distinct instances of alleged misconduct, he could not be subjected to fresh Charge based on the same punishments. He contended that the Inquiry Officer, in a perverse and erroneous manner, concluded that the petitioner was



2025:DHC:818-DB



habitual in misusing the opportunities given to him for improvement, thereby rendering the findings arbitrary and unsustainable.

10. The learned counsel for the petitioner contended that the Disciplinary Authority, much like the Inquiry Officer, arbitrarily and without any evidentiary basis, held the Charge of attack/assault to be proved against the petitioner. He submitted that the Disciplinary Authority, in a perverse manner, observed in the Final Order of punishment that the petitioner was suffering from CAD Single Vessel Disease, Hypertension, Alcohol Dependence Syndrome, and THD, which allegedly caused him to become agitated under excessive stress and strain. It was further noted that specialist doctors had advised him to take medication regularly and abstain from alcohol, as evidenced by the medical documents produced by the petitioner and corroborated by PW-3. The learned counsel for the petitioner argued that the mere existence of such medical conditions did not imply that the petitioner would attack a fellow force member in anger or attempt to assault him with a belt.

11. *Per contra*, Mr. Rohan Jaitley, the learned counsel for the respondents, while seeking dismissal of the petition at the threshold, submitted that the Impugned Orders suffer no infirmity as alleged by the petitioner. He further submitted that the petitioner belatedly filed his Appeal, which was rejected by the DIG as being time-barred, having been submitted after an inordinate delay of 09 months and 08 days beyond the stipulated 30-day limitation period. Furthermore, the Revision Petition filed before the IG was also dismissed on the grounds of delay and laches, as it was filed after a substantial delay of



1 year and 9 months from the date of the Appellate Order, whereas the applicable limitation period under the rules is 180 days. The petitioner, he submitted, has filed the present petition with an inordinate delay of more than four years.

12. The learned counsel for the respondent contended that the CISF, being an Armed Force is entrusted with safeguarding critical government infrastructure, functions under a strict disciplinary framework where adherence to discipline is of paramount importance. In view of the petitioner's conduct and the totality of facts and circumstances, the punishment of compulsory retirement was rightly imposed and warrants no interference by this Court.

13. He submitted that the petitioner was Charged with acts of indiscipline, misconduct, and negligence towards duty. Upon the conclusion of the Inquiry, the Inquiry Officer found the petitioner guilty of the Charges leveled against him, and after due consideration of the evidence on record, the Commandant imposed the penalty of compulsory retirement. It was contended that the petitioner was afforded every opportunity to present his defense and was duly provided with a copy of the Inquiry Report, however, he failed to exercise his legal remedies within the prescribed timeframe.

Analysis and Conclusion:

14. We have considered the submissions made on behalf of the parties and perused the record.

15. To begin with, this Court would not delve into the merits of the case without first looking into the maintainability of the present



2025:DHC:818-DB



petition.

16. While considering the contention of delay and laches in filing the present petition, reference is made to the case of ***Karnataka Power Corpn. Ltd. v. K. Thangappan and Another***, (2006) 4 SCC 322, wherein the Apex Court was of the opinion that:

“6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite part. ...”

17. The Supreme Court in the case of ***Chennai Metropolitan Water Supply & Sewerage Board and others v. T.T. Murali Babu***, (2014) 4 SCC 108 has held:

“16. Thus the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but, in most circumstances, inordinate delay would only invite disaster for the litigant who knocks at



the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. ...”

18. Having meticulously examined the principles of law enunciated hereinabove with regards to the pivotal issue raised by the respondent pertaining to the petitioner's inordinate delay at every procedural juncture, be it in filing the Appeal, the Revision Petition, or the present petition before this Court, the record unequivocally reflects that the petitioner has been consistently negligent in adhering to the prescribed statutory timelines, resulting in the dismissal of the Appeal as being time-barred and the Revision Petition on the grounds of delay and laches. The Revisional Authority has concurrently stated that the petitioner has failed to provide any sufficient reasons for the delay that has been caused in filing the Appeal and the Revision Petition.

19. It is a settled position in law that litigants must be diligent in exercising their rights within the prescribed time limits, as delay defeats equity. The petitioner has, however, failed to furnish any cogent justification or substantive material to support his claim of delay on account of bad health conditions as the cause of prolonged and unexplained lapse of time in approaching the Competent Authorities at every stage of litigation. The doctrine of laches is premised on the maxim *vigilantibus, non dormientibus, jura subveniunt* — the law aids the vigilant, not those who sleep on their rights. The persistent failure of the petitioner to act with reasonable promptitude is untenable in law.



2025:DHC:818-DB



20. In view of the foregoing, considering the lack of any compelling justification for the undue delay, we are of the view that the petitioner has failed to pursue his remedy diligently. Moreso, he failed to be pertinacious, even to follow the Appellate and Revisional remedies available to him. We, therefore, find that the petition is not maintainable and is liable to be dismissed.

21. The petition is accordingly dismissed.

SHALINDER KAUR, J.

NAVIN CHAWLA, J.

FEBRUARY 11, 2025
SU/KP

[Click here to check corrigendum, if any](#)