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

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Date of Decision : 24.03.2026+ **W.P.(C) 1014/2026 CM APPL. 4913/2026****MAHESH C**

.....Petitioner

Through: **Mr. Shashank Tripathi, Adv.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Akash Chatterjee, SPC and Mr. Akshit Mohan, Adv., Mr. Ajay Pal, Law Officer, Inspector Athurv and Mr. Ramniwas Yadav, CRPF.****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:-

“a) Issue a writ of Certiorari, or any other appropriate writ, order, or direction in the nature thereof, quashing the impugned departmental proceedings initiated against the Petitioner pursuant to the Memoranda dated 15.05.2025 and 17.05.2025, being arbitrary, illegal, and in violation of Articles 14, 20(2), and 21 of the Constitution of India;

(b) Issue an appropriate writ, order or direction in the nature of Mandamus, directing the Respondents to appoint a neutral, unbiased Inquiry Officer in



substitution of Smt. Neeraj Bala, Commandant, and to ensure that the Petitioner is provided the assistance of his nominated Defence Assistant, Shri Vinod S. Jadhav (Retd. CRPF Officer), in accordance with CRPF Rules and principles of natural justice;

c) Issue a further direction that, if any departmental enquiry is to proceed, the same be conducted strictly in accordance with law and in camera, to prevent further mental harassment and ensure procedural fairness, particularly in view of the sensitive circumstances and documented grievances of the Petitioner;

d) Issue appropriate directions for staying all further enquiry proceedings, including hearings or coercive actions, pursuant to the impugned Memorandums, until the final disposal of the present writ petition.”

2. In substance, the petitioner is challenging the departmental proceedings initiated against the petitioner. The facts reveal that the petitioner, who was appointed as a Constable in Central Reserve Police Force (CRPF), was proceeded against for certain allegations of sexual harassment. A preliminary enquiry against the petitioner was held in terms of Standing Order No. 20/2001. Pursuant thereto, the proceedings were held against the petitioner.

3. The same resulted in a punishment of stoppage of increment for one year with cumulative effect. It transpired that the said proceedings were directed to be cancelled as it warranted an enquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”). Accordingly, a fresh memorandum dated 17.06.2022 was issued whereby the respondents proposed to hold an enquiry against the petitioner under Section 11(1) of the CRPF Act, 1949 read with Rule 27 of the CRPF Rules, 1955.



4. The enquiry was conducted by Sector Level Internal Complaints Committee (SLICC) and the concerned sector has followed the enquiry report as per opinion of the SLICC for taking further action. An issue arose before the concerned competent authority and also before the enquiry officer that the named retired Sub-Inspector M. Vinod Jadhav be appointed as a defence assistant but such a request was turned down by the Presiding Officer of the SLICC. The petitioner was given an opportunity to appoint defence assistant. Though an enquiry report has been submitted to the Competent Authority but it transpired because of the fact that the petitioner was not granted the opportunity to appoint a defence assistant, the said enquiry was also cancelled. Accordingly, a third enquiry has been initiated against the petitioner and the petitioner was allowed to engage Mr. M. Vinod Jadhav as his defence assistant. It is this enquiry, which is subject matter of the writ petition.

5. The submission of learned counsel for the petitioner is that the petitioner has made a representation of bias against the Presiding Officer namely Neeraj Bala. It is his submission that the grounds raised by the petitioner alleging bias against the petitioner are justified. It is also his case that the said petition has not been decided till date.

6. The learned counsel for the respondents, on instruction, states that the said petition raising grounds of bias has been rejected by the Competent Authority and an order thereof shall be communicated to the petitioner within two days from today.

7. The counsel for the petitioner also urges that the Presiding Officer is not calling upon the complainant to appear in person to enable him to cross-examine the complainant.



8. On this, the submission of learned counsel for the respondents is that as and when the petitioner intends to cross-examine the complainant, she shall be called upon to join the proceedings physically.

9. He also states that as of today, the proceedings are at a preliminary stage, inasmuch as the petitioner has been granted opportunity to inspect the document on which the respondents sought to rely upon.

10. If that be so, we are of the view that since the proceedings are in progress and there is no contention, which goes to the very root of the initiation of the departmental proceeding against the petitioner, we are afraid that the proceedings cannot be interdicted or interfered with at this stage.

11. Appropriate shall be that the petitioner, if at all, aggrieved by the final order to be passed by the respondents in the enquiry, may challenge the same. For this purpose, we keep all the contentions of the petitioner open, to be agitated at the appropriate time.

12. This petition and pending application are, accordingly, dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MARCH 24, 2026

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