



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-2748-2020**Date of decision: 08.01.2025**

RAM ASHISH SINGH

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ*********

Present: - Mr. Aryan Singh, Advocate for
Mr. Rajeev Anand, Advocate
for the petitioner.

Ms. Gurmeet Kaur Gill, Senior Panel Counsel
for the respondents-Union of India.

***********VINOD S. BHARDWAJ, J. (Oral)**

Challenging the impugned order of punishment dated 12.08.2010 holding the petitioner guilty of violating the provisions of Section 11 (1) of the CRPF Act, 1949 as well as against the subsequent dismissal of the appeal filed by the petitioner, vide order dated 24.05.2018 alongwith the order dated 05.07.2019 dismissing the revision, the petitioner has approached this Court.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner is Combatised member of the Central Reserve Police Force and was enrolled with the respondent-CRPF on 25.04.1986. In the year 2004, the petitioner was deployed with 152 Bn CRPF and was performing his duties in counter insurgency area of J & K. While performing



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the duties of company writer, wherein he was looking after the administration and establishment correspondence relating to the personnel of the company, there was no accommodation provided for the family of the petitioner, hence, the petitioner was entitled to claim the House Rent Allowance with Compensation in lieu of the Quarter (CILQ). The petitioner was granted such compensation in lieu of quarter for the period of two years i.e. 01.07.2004 to 30.06.2006. After expiry of the said period, the petitioner applied yet again for the said allowance which was again granted w.e.f. from 01.05.2008. In November 2009, the petitioner was intimated that he had only been sanctioned the compensation in lieu of quarter from 01.05.2008 onwards and that the same was stopped. It was also alleged that the order of release of the CILQ was obtained by the petitioner, alongwith three other persons, by tempering of records. A preliminary enquiry was allegedly conducted by an officer of the rank of Deputy Commandant which found the petitioner to be *prima facie* guilty of the charge. Pursuant thereto, the superior authorities proceeded further and a Memo of allegations dated 18.12.2009 was served upon the petitioner. Reply to the same was submitted by the petitioner pleading that he had only given an application for grant of the CILQ and has not done any tempering in their record and had no role in the preparation and sanction of the same. Finding the reply to be not satisfactory, an Enquiry Officer was appointed vide order dated 10.02.2010. It is averred that the proceedings were initiated in violation of the Principles of Natural Justice and an enquiry report was submitted to the disciplinary authority. A notice dated 23.07.2010 was received in the company office on



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08.08.2010 initiated by the authorities but no copy of such notice of the Enquiry Report was received by the petitioner. The order of punishment was eventually passed by the authorities on 12.08.2010 directing stoppage of Annual increment from the date of accrual of next increment with cumulative effect.

3. Aggrieved of the said order, the petitioner preferred a detailed representation to the Deputy Inspector General, CRPF on 19.02.2012 which was dismissed by the Appellate Authority vide order dated 24.05.2018. Thereafter, the petitioner preferred a revision petition dated 10.06.2018 which was also dismissed by the respondent-authorities.

4. Aggrieved thereof, the present writ petition had been filed on the ground that the Principles of Natural Justice had not been followed since copy of the Enquiry Report had not been furnished to the petitioner and that the entire proceedings had been initiated during the period when petitioner was on casual leave for 15 days from 06.08.2010 to 25.08.2010. The Officiating Company Commander had received the communication including copy of the Enquiry Report and the same was never delivered to the petitioner who was then on a different company location. It was also submitted that the factors averred by the petitioner in his representation as well as the grounds of appeal were not taken into consideration by the relevant authorities and the punishment imposed was highly disproportionate to the charge established against him.



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5. Counsel for the respondents on the other hand contends that the aspect as regards the enrolment of the petitioner as well as sanction of the compensation in lieu of quarter (CILQ) w.e.f. 01.07.2004 to 30.06.2006 is not a subject matter of dispute. She, however, contends that after expiry of the sanction period of CILQ as per the sanction order dated 22.07.2004, the petitioner indulged in making alterations in documents, with the help of his other key holder, and indulged in fraud by adding his name in the list of eligible persons for getting CILQ. On 12.05.2008, the Head Constable Gurdeep Singh (Quarter Master Writer) had submitted an office note before the Quarter Master/MTQ for sanctioning of CILQ in respect of 116 eligible unit personnel and the same was approved by the then Commandant 152 Battalion on 24.05.2008. After getting an approval from the Commandant, a fair sanction order dated 31.05.2008 was prepared in respect of 116 personnel by Gurdeep Singh (Quarter Master Write) in computer and submitted for signatures of the Commandant which was also obtained on 31.05.2008. The Head Constable Gurdeep Singh, with the consent and help of the petitioner and other key holders, made alterations on the pages of original sanction order which was sent to the Group Centre, Pinjore for disbursing the same. There was much correspondence whereby the said forgery/tempering in the office record and after the sanction order had been passed by the competent authority, was established in the Enquiry Report. The petitioner availed the CILQ despite having knowledge that he was not eligible for the said amount and that there was no proper sanction of the competent authority but the same was not informed by him to the Senior



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Officers or the Company Commander nor any application was submitted by him for stopping the CILQ from his regular pay. He rather got himself involved in doing alteration in official documents/sanction orders and concealed the facts from Head Office in self interest.

6. She, however, contends that the petitioner had earlier approached this Court by filing CWP-27736 of 2019 titled as “*Ram Ashish Singh versus Director General CRPF and others*”. The said writ petition was disposed of by the High Court vide order dated 26.09.2019 with a direction to respondent No.2-Inspector General of Police, North West Sector, HQ, CRPF to decide his revision petition dated 10.06.2018 after affording an opportunity of hearing to the petitioner and to pass an appropriate order in accordance with law within a period of three months. In compliance thereto, the matter was re-examined and the punishment of stoppage of annual increment for one year from the date of accrual of next increment with cumulative effect has now been modified as stoppage of annual increment for a period of one year corresponding to 152 battalion order dated 12.08.2010 which will not have effect of the date of accrual of next increment vide order dated 12.03.2020. Thus, the stoppage of increment with cumulative effect has now been reduced to ‘stoppage of one increment without any cumulative effect’ and is thus a minor penalty.

7. The contention of the petitioner that he was not granted sufficient opportunity of hearing does not require any further consideration at this stage since the petitioner had earlier approached and the petition was



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disposed of with a direction to the respondents to consider the representation and to pass a fresh order whereupon the petitioner was personally heard and even the order of punishment has been modified. Hence, the grounds of not been granted an opportunity of hearing does not survive any further. The said contention is accordingly rejected.

8. So far as the contention of the petitioner that the regular Enquiry Officer was a person junior to the Commanding Officer and as such he was working under his direction and could not have mustered enough strength to go beyond what had already been ordered cannot be accepted at this juncture since the Enquiry Report is not a subject matter of challenge before this Court and there are no allegations against the Enquiry Officer or any violation of statutory procedure in enquiry proceedings. No prejudice is accordingly established.

9. In view of the subsequent modification of the order of punishment whereby the punishment has already been reduced to a minor penalty, it cannot be said that the same is excessively harsh or disproportionate to the charges proved against the petitioner. The High Court would not sit as a Court of appeal against the decision so taken by the disciplinary authority unless there is an illegality, impropriety or perversity pointed out or the order of punishment is said to be disproportionately harsh as compared to the charge established. None of the circumstances are shown to exist and therefore, I do not find that sufficient grounds exists for interfering in the order dated 12.08.2010 passed by the revisional Authority

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now as amended vide order dated 12.03.2020. The present writ petition is accordingly **dismissed**.

(VINOD S. BHARDWAJ)

JANUARY 08, 2025

JUDGE

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No