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IN THE HIGH COURT OF DELHI AT NEW DELHI

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**CONT.CAS(C) 198/2020 and C.M. Appl. Nos. 24855/2020,
5417/2021**

PRAKASH KUMAR DIXIT

..... Petitioner

Through: Mr. Sanjay Ghose, Sr. Advocate with
Mr. Anand Shankar Jha and Mr. Arpit
Gupta, Advocates.

versus

AJAY KUMAR BHALLA & ORS

..... Respondents

Through: Mr. Bhagwan Swarup, CGSC with
Ms. Tanya Agarwal and Mr.
Kamaldeep, Advocates along with
Mr. Rajesh Singh, DC Law.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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06.09.2022

1. The present petition, alleges wilful disobedience of the directions contained in the judgment dated 24.12.2019 passed by this Court in W.P.(C) 1525/2019. The operative directions therein are as under:-

“34. For all of the aforementioned reasons, the order dated 16th October, 2018, passed by the DIG (CR&VIG) in the Directorate General, CRPF, imposing the penalty of removal from service on the Petitioner, is hereby set aside. The minor penalty as decided by the DA viz., "reduction to a lower stage in the scale of pay by one stage for a period not exceeding 3 years, without cumulative effect and adversely affecting pension" will be the penalty in the Petitioner's case.

35. Consequently, the Petitioner is directed to be forthwith reinstated in service, with all consequential benefits, but



without any back wages. The date of reinstatement will relate back to the date of his having been originally removed from service i e. 10th July 1995, for the purposes of pay fixation, seniority and all other consequential benefits including promotions. The consequential orders by way of implementation of this judgment be issued not later than 8 weeks from today.

36. The writ petition is allowed in the above terms. The pending application is disposed of.”

2. Learned senior counsel for the petitioner submits that in terms of the aforesaid directions, the minor penalty viz., "reduction to a lower stage in the scale of pay by one stage for a period not exceeding 3 years, without cumulative effect and adversely affecting pension" must also relate back to the date on which the petitioner was removed from service, i.e. 10.07.1995, and not from the date on which the order dated 08.03.2021 was issued by the respondents to comply with the directions contained in the judgment dated 24.12.2019.

3. *Prima facie*, there is merit in the contention of learned senior counsel for the petitioner.

4. Learned counsel for the respondents seeks an adjournment on the ground that Mr. Sanjay Jain, learned ASG, who is to address arguments on behalf of the respondents is not available today.

5. At request, list on 27th September, 2022.

SACHIN DATTA, J

SEPTEMBER 6, 2022

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