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

+ **W.P.(C) 10766/2020**

VARINDER PAL SINGH

..... Petitioner

Through: Mr. Raj Singh Phogat, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Avnish Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **21.12.2020**

[VIA VIDEO CONFERENCE]

CM APPL. 33789/2020 (for exemption).

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P.(C) 10766/2020.

3. Though the petitioner, a Sub-Inspector/Executive (PS) in the respondents Central Industrial Security Force (CISF), has filed this petition also impugning the order dated 26th December, 2017 of his compulsory retirement as well as the orders dated 5th March, 2018 and 26th November, 2018 of dismissal of departmental appeal and departmental revision preferred thereagainst and seeking direction calling for the records of the impugned order dated 26th November, 2018 but the counsel for the petitioner, after some arguments, confines the relief claimed in the petition to payment of subsistence allowance for the period from 6th July, 2014 to 19th May, 2015 i.e. for 318 days and for the period from 15th February, 2016 to 29th June, 2017 i.e. for a period of 500 days and for counting of the period



from 17th September, 2015 to 26th December, 2017 in the Pension Payment Order (PPO) issued to the petitioner, for pensionary benefits.

4. In this context, we may note that prior to the disciplinary proceeding pursuant to which the petitioner has been meted out the punishment of compulsory retirement and challenge to which punishment has today been given up, the petitioner was earlier also proceeded against and on 2nd July, 2014 meted out the punishment of compulsory retirement and on 24th January, 2015 the appeal preferred by the petitioner thereagainst was dismissed. However on revision being preferred by the petitioner, the order of compulsory retirement was set aside and the disciplinary proceedings remanded for fresh adjudication from the stage of supply of inquiry report to the petitioner and the petitioner ordered to be reinstated. It is the case of the petitioner that the period of suspension for the said earlier proceedings has been treated as *dies non* instead of treating the same as the period of suspension.

5. The counsel for the respondents CISF appearing on advance notice states that he will have to obtain instructions on this aspect.

6. Issue notice confined to the reliefs (c) and (d) claimed in the petition.

7. The petition, insofar as claiming the other reliefs, is dismissed as withdrawn.

8. Notice is accepted by the counsel for the respondents.



9. Counter affidavit be filed within eight weeks.
10. Rejoinder, if any thereto be filed within further four weeks thereafter.
11. List on 27th April, 2021.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

DECEMBER 21, 2020

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