

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) No(s). 15598-15599/2019

(Arising out of impugned judgment and order dated 05-12-2018 in WPC No. 3227/2017 06-03-2019 in RP No. 96/2019 in WPC No. 3227/2017 passed by the High Court of Delhi at New Delhi)

SUDHIR KUMAR BEHERA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 79556/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 08-12-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Ms. Pallavi Awasthi, Adv.
Mr. Deepak Goel, AOR
Mr. Jitendra Bharti, Adv.
Ms. Alka Goyal, Adv.
Ms. Harshita Maheshwari, Adv.

For Respondent(s) Mr. Vikramjeet Banerjee, A.S.G.
Ms. Vaishali Verma, Adv.
Mr. R Rakesh Sharma, Adv.
Mr. Pratyush Shrivastava, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

Heard Ms. Pallavi Awasthi, learned counsel appearing for the petitioner. Also heard Ms. Vaishali Verma, learned counsel appearing for the respondents.

The petitioner was a CISF Constable and following the disciplinary proceeding initiated against him, the punishment of

removal from service was ordered against him after finding him guilty of misconduct of unauthorised absence.

Ms. Awasthi would argue that the penalty awarded here is disproportionate as the authority should have considered the medical condition of the delinquent.

On the above aspect, it needs to be noticed that despite the telephonic call given by the Company Commander, the delinquent failed to give any application for extension of his leave. Moreover, he also switched off his mobile phone to debar his superior officers from contacting him. Such conduct of a delinquent who is a member of a disciplined force posted in a sensitive place, cannot be treated with leniency. Accordingly, the challenge to the impugned judgment of the High Court upholding the punishment of removal, is found to be unmerited.

The Special Leave Petitions are accordingly dismissed.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR