



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.13402 OF 2015

SAHAB SINGH (D) THROUGH LRs. ... APPELLANT(S)

VERSUS

**DIRECTOR GENERAL, RPF,
RAIL BHAWAN & OTHERS ... RESPONDENTS**

J U D G M E N T

NAGARATHNA, J.

Being aggrieved by the order dated 29.07.2015 passed by the Division Bench of the High Court of Delhi in Civil Writ Petition No.6411 of 2012 by which the writ petition filed by the original appellant assailing his dismissal from service was itself dismissed and no relief was granted to him, the present appeal has been filed before this Court.

2. Briefly stated, the facts of the instant case are that the appellant was recruited as a Constable in the Railway Protection Force (hereinafter, "RPF") on 01.08.1994. In the year 2006, the appellant was posted at the Shahdara Post, Delhi.

3. On 13.03.2007, a First Information Report being FIR No. 45/2007 was registered with Police Station Babri, District Muzaffarnagar, Uttar Pradesh, under Sections 363 and 366 of the Indian Penal Code, 1860 (hereinafter, "IPC"). The aforesaid FIR was registered against five persons, including the appellant, his father, and his brothers, alleging the abduction of a girl. It was alleged that the appellant's brother, Rajeev, committed the main offence, while the appellant was accused of abetting and assisting him.

4. Upon conclusion of the investigation, the Police filed a charge-sheet dated 06.07.2007 only against the main accused, Rajeev. However, in the year 2010, acting on an application filed by the complainant under Section 319 of the Code of Criminal Procedure, 1973 (hereinafter, "CrPC"), the Sessions Court summoned the appellant. Charges were framed against the

appellant on 08.08.2010. Subsequently, due to non-appearance, non-bailable warrants were issued, and the appellant was taken into judicial custody on 29.11.2010. He was eventually released on bail on 01.01.2011.

5. Immediately thereafter, the Respondent-Authorities served Charge-Sheet dated 12.01.2011 upon the appellant under Rule 153 of the Railway Protection Force Rules, 1987 alleging: *firstly*, that the appellant concealed facts pertaining to his involvement in the criminal case, and *secondly*, he had failed to intimate the department regarding his arrest and detention.

6. An Inquiry Report dated 10.05.2011 was submitted, which, *inter alia*, categorically noted that on the date of the alleged criminal incident, the appellant was on duty at his post in Delhi. Notwithstanding this finding, the Senior Circle Security Commissioner, RPF, Northern Railway, passed an order dated 24.06.2011 dismissing the appellant from service.

7. Aggrieved by the order of dismissal, the appellant preferred a Revision Petition, which was dismissed by the Inspector General, Chief Protection Commissioner on 18.01.2012. Aggrieved, the

appellant subsequently preferred an appeal before the Director General, RPF, which also did not yield any relief. Consequently, the appellant approached the High Court of Delhi by filing W.P.(C) No. 6411/2012 on 08.08.2012 seeking reinstatement.

8. During the pendency of the Writ Petition, the trial in the criminal case concluded. By judgment and order dated 16.11.2013 in Session Trial No. 1457/07, the Additional Sessions Judge, Muzaffarnagar, U.P., acquitted the appellant of all charges under Sections 363, 366, and 376 of the IPC. The Trial Court specifically observed that on the date of the incident, the appellant was performing his official duties in Delhi and was not present at the place of occurrence.

9. Despite the acquittal and the specific finding regarding the appellant's plea of alibi, the High Court, *vide* the impugned judgment dated 29.07.2015, dismissed the Writ Petition. The High Court observed that the acquittal was based on technical considerations and held that the Respondent-Authorities' decision borne out of appellant's failure to disclose his detention and prosecution called for no interference.

10. We have heard learned counsel for the appellants (legal representatives of original appellant) and learned ASG for the respondents. We have perused the material on record including the impugned order.

11. Learned counsel for the appellant contended that the dismissal from service is erroneous on two grounds: firstly, there was no misconduct whatsoever on the part of the appellant and therefore, the very initiation of the proceeding against him was an abuse of the process of law. He therefore submitted that the entire proceeding, including the order of dismissal, ought to be quashed. Secondly and alternatively, it was submitted that during the pendency of this appeal, the appellant died on 03.10.2023 at the age of 54 years. In the circumstances, the order of dismissal may at least be converted to one of compulsory retirement as the appellant is no longer alive to be reinstated and at least his family may be benefitted monetarily by receiving the arrears of pension from the date of dismissal as well as family pension from the date of his demise.

12. Learned counsel for the appellants submitted that the impugned order may be set aside or in the alternative, modified and relief may be granted to the appellant's family members who have been brought on record.

13. *Per contra*, learned Additional Solicitor General appearing for the respondents supported the impugned order and contended that the order of dismissal is not disproportionate; that the appellant, though having completed approximately seventeen years of service, was guilty of misconduct which was established after holding an inquiry; and that the order of dismissal was affirmed by the appellate authority as well as Revisional authority and the High Court also did not interfere in the matter. Therefore, at this stage, merely because the appellant has since passed away, relief cannot be granted by modifying the order of dismissal to one of compulsory retirement. Learned ASG submitted that there is no merit in this appeal and the same may be dismissed.

14. We have considered the arguments advanced at the Bar in light of the impugned order and the facts of the case. No doubt, the misconduct has been proved in the disciplinary inquiry which

was in the nature of suppression of the fact of his involvement in a criminal case, and further suppression of his arrest and detention which he was required to bring to the notice of the authority under the provisions of the Central Civil Services (Conduct) Rules, 1964. But the same not having been done, could not have resulted in dismissal from service. Any other penalty could have been imposed on the appellant herein. In the circumstances, we hold that the punishment of dismissal from service was disproportionate, particularly when the appellant had already completed approximately seventeen years of service and was entitled to further career progression and monetary benefits on his retirement if any other punishment could have been imposed on him.

15. Learned counsel for the appellant also submitted that there was an honourable acquittal in the criminal proceedings which were instituted against the family members of the deceased. Therefore, the dismissal from service is all the more injurious to the appellant and his family.

16. We have taken note of the fact that during the pendency of this appeal, the appellant died on 03.10.2023 and he had the benefit of an honourable acquittal in the criminal proceedings which were instituted against him and two other family members.

17. We have found that having regard to the nature of the imputation against the appellant herein, the dismissal from service was wholly disproportionate. Hence, the punishment of dismissal is converted/modified to one of compulsory retirement with pension payable in accordance with law. Consequently, the appellant shall, and now his legal representatives shall, with effect from 24.06.2011 which was the date of dismissal and on his demise, receive arrears of pension and family pension in accordance with law.

18. The pensionary benefits shall be computed and the same shall be released to the legal representatives of the deceased appellant within a period of six weeks from the date of the receipt of the copy of this judgment.

19. The appeal is allowed in part in the aforesaid terms.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

**NEW DELHI;
NOVEMBER 26, 2025.**