

20 Yrs On, Delhi High Court Quashes CISF Officer's Compulsory Retirement Over Unsubstantiated Sexual Harassment Allegations

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The Delhi High Court has set aside the compulsory retirement of a CISF Assistant Commandant nearly 25 years after the disciplinary action was taken, holding that the punishment was founded on unsubstantiated allegations.

A division bench of Justices Dinesh Mehta and Vimal Kumar Yadav observed,

> “Having regard to the fact that a period of about 25 years has since passed and the petitioner has attained 72 years of age, we feel that the least we can do is, to restore his honour, which according to us, has been destroyed by the action of ordering 'compulsory retirement'.”

The Court was dealing with a petition filed by the officer, who had been compulsorily retired in 2005 following allegations of sexual harassment.

The Court noted that the petitioner had been subjected to three preliminary enquiries, despite having been exonerated earlier.

“No satisfactory reason has come forth justifying the third PE, when he was found innocent in the first and second PE,” it said.

The Court also found that the charges were not supported by cogent evidence. “The respondents ought to have given quietus to the issue given the nature of allegations which reeks of vengeance rather than genuine harassment. Moreso, there is no allegation of serious nature,” it said.

The Court further noted that no prior misconduct had been attributed to the officer during his long service, and that the material on record did not justify the extreme penalty imposed.

“There is no similar allegation against the petitioner during his past tenure and no complaint has ever been received against him. Hence, the respondents ought to have objectively considered the matter and should have gone with the opinion expressed by the Special Secretary,” it observed.

As such, the Court set aside Petitioner's dismissal and held that subsequent enquiries were “uncalled for”.

Appearance: Mr. Lokesh Bhardwaj, Mr. Ashna Narang, Mr. Jatin & Mr. Shivam Chauhan, Advs. alongwith petitioner in person; MR. R.D Bhardwaj, CGSC, Mr. Kushagra Kumar, SPC alongwith Mr. Ali Mohamad, AC, Mr. Sanjay Kumar, Insp., Mr. S.K. Bharti & Mr. Manjunath, SI, CISF

Case title: Ex.Asstt.Commandant R.S.Yadav v. UoI

Citation: 2025 LiveLaw (Del) 1789

Case no.: W.P.(C) 6806/2006

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GAC Can't Reject Account Suspension Appeals Due to Lack of Information From Social Media Platforms: Delhi High Court

Nupur Thapliyal

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The Delhi High Court has held that the Grievance Appellate Committee (GAC), a digital regulatory body established by the Central Government, cannot dispose of appeals filed by users merely because social media intermediaries fail to provide the requisite information.

Justice Amit Mahajan observed that the Committee has sufficient powers to direct social media intermediaries to provide information and justify why specific content or a user's account was removed or suspended, or why the user's complaint was rejected earlier.



“In the opinion of this Court, the Grievance Appellate Committee, which is a digital regulatory body established by the Central Government under the Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 to hear appeals from users unsatisfied with the decisions of social media platform Grievance Officers, ought not to dispose of appeals solely because of lack of response/information from the intermediaries,” the Court said.

“The Committee has sufficient powers to direct the intermediaries to provide the requisite information and justify why specific content/account was removed/ suspended or why a user's complaint was previously rejected,” it added.

The Court was hearing a plea filed by a social media user Prakash Kumar Singh challenging the action of Meta Platforms and Instagram of suspending and disabling his Instagram account on June 02 and June 09, respectively, without subsequently restoring it.

Singh had approached the Grievance Appellate Committee against the action. However, the Committee disposed of his grievance by an order dated September 22, noting that the explanations provided by Meta for its action lacked clarity.

The Court observed that the Committee, which hears appeals from users dissatisfied with the decisions of social media platforms' Grievance Officers under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, has the authority to seek the requisite information from intermediaries.

During the hearing, Meta's counsel submitted that the relevant information would be provided to the Committee within two days.

In view of the submission, the Court restored Singh's appeal before the Grievance Appellate Committee and directed it to pass an appropriate order expeditiously after receiving the requisite information from Meta.

The Court disposed of the plea, while granting Singh liberty to approach it again if any grievance remained.

Nupur Thapliyal

Nupur Thapliyal is a Principal Correspondent with LiveLaw, based in New Delhi. She reports from the Delhi High Court and trial courts in the national capital





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The Delhi High Court has closed a Public Interest Litigation (PIL) seeking the removal of the musical composition 'Shoorveer' from Mirzapur: The Movie, after the producer informed that the song has been removed from the film.A Division Bench comprising Acting Chief Justice Nitin Wasudeo Samb...

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Bollywood actress Kriti Sanon moved the Delhi High Court on Friday seeking protection of her personality rights.Justice Purushaindra Kumar Kaurav asked the actor's counsel, Advocate Pravin Anand, to file a compilation of relevant judgments and other research material on the issue of personalit...

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