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2026:CGHC:36551

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4135 of 2017

* - Ranjeet Singh S/o Sardar Singh, Aged About 53 Years CISF No. 914330026, Head Constable/Driver, Central Industrial Security Force, Unit BSP-Bhilai, District Durg, Chhattisgarh
... **Petitioner**

Versus

1 - Inspector General West Division, Central Industrial Security Force (CISF) Headquarters, CISF Complex, Kharghar, Mumbai -10, Maharashtra
2 - Deputy Inspector General Central Industrial Security Force, Unit BSP-Bhilai, District : Durg, Chhattisgarh
3 – Commandant, Central Industrial Security Force, Unit BSP-Bhilai, District : Durg, Chhattisgarh
... **Respondents**

For Petitioner	:	Mr. Arvind Dubey, Advocate
For Respondents	:	Mr. Abhishek Banjare, Central Government Counsel

Hon’ble Shri Justice Rakesh Mohan Pandey
Order Sheet

17/08/2026

1. The petitioner has filed this petition seeking the following relief(s):-
- “**10.i** To kindly call for the records of the case from the respondents.
- 10.ii** To kindly quash the impugned order dated 16/05/2016 (Annexure P/1) passed by the respondent no. 3.
- 10.iii** To kindly quash the impugned order dated 30/06/2016 (Annexure P/2) passed by the respondent no. 2.
- 10.iv** To kindly quash the impugned order dated 19/10/2016 (Annexure P/3) passed by the respondent no. 1.

10.v To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.”

2. Mr. Arvind Dubey, learned counsel appearing for the petitioner would argue that the petitioner who was working under the respondents on the post of Head Constable / Driver applied for leave for period from 14.09.2015 to 27.09.2015. On 28.09.2015, the petitioner could not resume his duties as an F.I.R. for commission of offence punishable under Section 498-A of IPC was registered against him and his parents. Mr. Dubey would contend that an application for extension of leave was sent by the petitioner through email, but said application was not accepted and no formal order was passed. He would submit that a departmental enquiry was initiated against the petitioner and finally penalty of stoppage of one increment with cumulative effect was passed vide order dated 16.05.2016. He would further submit that the order passed by the disciplinary authority has been affirmed by the appellate authority and revisional authority and all those orders have been challenged by the petitioner in the present petition. It is argued by Mr. Dubey that the absence of the petitioner was neither willful nor deliberate and no reason has been assigned by the enquiry officer or disciplinary authority as to why application moved by the petitioner for extension of leave was not accepted. He would contend that as there is no finding with regard to willful absence of the petitioner from services and the issue has already been decided by the Hon'ble Supreme Court in the matter ***Krushnakant B. Parmar Vs. Union of India***, reported in ***(2012) 3 SCC 178*** and in the matter of ***Chhel Singh Vs. M.G.B.***

Gramin Bank, Pali and Others, reported in **2014 AIR SCW 6539**. He would pray to allow this petition.

3. On the other hand, Mr. Abhishek Banjare, learned Central Government Counsel appearing for the respondents would oppose. Mr. Banjare would contend that sufficient opportunity of hearing was provided to the petitioner. He would contend that there is no allegation of violation of principles of natural justice. He would submit that the procedure contemplated under Rule 36 of CISF Rules, 2001 was followed. He would submit that the petitioner is member of Armed Force and his unauthorized absence for 74 days was fatal for the security of the region and therefore, the disciplinary authority rightly inflicted penalty of stoppage of one increment. He would submit that the absence of petitioner was willful and deliberate and the findings in this regard have been recorded by the enquiry officer and such findings have been affirmed by the disciplinary authority, appellate authority and the revisional authority. He would submit that as there is concurrent finding recorded by the 03 authorities, therefore, this petition deserves to be dismissed. He has placed reliance on the judgment passed by the Hon'ble Supreme Court in the matter of ***Bhupinderpal Singh Gill Vs. State of Punjab and Ors.***, **2025 INSC 83** and on the judgment passed by the High Court of Delhi in the matter of ***Vikas Ahlawat Vs. Union of India & Ors.*** in **WP(C) No. 2278/2007** dated **12-09-2023**.
4. I have heard learned counsel for the parties and perused the documents.
5. From perusal of Annexure P-4, it appears that an application for extension of leave period was moved by the petitioner through email on 24.09.2015 and this fact is evident from enquiry report. The enquiry

officer was aware of the fact that an F.I.R. was registered against the petitioner. The application for grant of extension of leave was moved by the petitioner and this fact is evident from statement of PW-3. The petitioner was served with the notice to resume his duties vide orders dated 15.10.2015 and 03.11.2015. In the enquiry report, it is nowhere recorded that the absence of petitioner was willful and deliberate. The disciplinary authority and superior authorities have affirmed the findings recorded in the departmental enquiry.

6. In ***Krushnakant B. Parmar*** (supra), the Hon'ble Supreme Court while dealing with the issue of unauthorized absence held in paras- 17 & 18 as under:-

“17. If the absence is the result of compelling circumstances under which it was not possible to report or perform duty, such absence cannot be held to be willful.

18. Absence from duty without any application or prior permission may amount to unauthorized absence, but it does not always mean willful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his control like illness, accident, hospitalization, etc., but in such case the employee cannot be held guilty of failure of devotion to duty of behaviour unbecoming of a Government servant.”

7. In ***Chhel Singh*** (supra), the Hon'ble Supreme Court held in para- 15 held as under:-

“15. ... There was no allegation that the appellant's unauthorized absence from duty was willful and deliberate. The Inquiry Officer has also not held that appellant's absence from duty was willful and deliberate. It is neither case of the Disciplinary Authority nor the Inquiry Officer that the medical reports submitted by the appellant were forged or fabricated or obtained for any consideration though he was not ill during the said period. In absence of such evidence and finding, it

was not open to the Inquiry Officer or the Disciplinary Authority to disbelieve the medical certificates issued by the doctors without any valid reason on the ground of 24 days delay.”

8. Mr. Abhishek Banjare has placed reliance on the judgment of Delhi High Court in the matter of **Vikas Ahlawat** (supra), wherein a member of Armed Force remained unauthorized absence from services for period of 302 days.
9. Another judgment cited by Mr. Banjare in **Bhupinderpal Singh Gill** (supra), the Hon'ble Supreme Court in para- 38 held as under:-

“**38.** The second and the fourth charges levelled against the Appellant that he had proceeded on leave without sanction thereof and in not complying with the orders of his superior officers seem to be the most vital charges. Undoubtedly, no public servant can claim leave as a matter of right. Leave is a matter regulated by Rules and such Rules need to be duly adhered to by each public servant. While there can be no quarrel on this aspect, we have not found any such circumstance from the record to afford ground for holding that the Appellant did commit a serious misconduct. In order to establish that the Appellant had committed a serious misconduct by proceeding on leave without leave being sanctioned (leave cancelled as per PW-1), the prosecution endeavoured to prove that the /Civil Surgeon had refused to sanction leave, prayed by the Appellant, and that he was telephonically informed by the Senior Assistant of such refusal. That the Appellant had visited the office of Civil Surgeon, remained there from 3.00 pm to 5.00 pm and submitted his application for leave which was duly acknowledged, have not been disputed by the prosecution. Interestingly, the Inquiry Officer while exonerating the Appellant of the second part of the third charge reasoned that neither the Senior Assistant had been produced in the inquiry as a witness nor were call details produced, and what PW-1 said is mere hearsay; hence, in the absence of proof, that part of the charge is not proved. This was a valid reason assigned by the Inquiry Officer, which the Disciplinary Authority even accepted. On the same analogy and for the same reason, the Appellant could not have been held guilty in respect of the second charge. There is no record of the Civil

Surgeon's refusal to sanction leave being communicated to the Appellant either. In such view of the matter, we have no hesitation to hold that there was no legal evidence based whereon the Appellant could have been held guilty of the second and fourth charges. ”

From a perusal of the above cited judgment i.e. ***Bhupinderpal Singh Gill*** (supra), where the issues involved are entirely different from the facts of the present case, therefore, the said judgment is of no help to the petitioner.

10. Having considered the facts discussed above and law laid down by the Hon'ble Supreme Court, it can safely be held that present is not a case of unauthorized absence, rather the department was duly intimated by the petitioner through email on 24.09.2015 and this fact is evident from the findings recorded by the enquiry officer in its enquiry. Further there is no finding to the effect that the absence of the petitioner was willful and deliberate and in absence of such finding, the order passed by the disciplinary authority and affirmed in appeal and revision are not sustainable in the eyes of law. Accordingly, orders dated 16.05.2016 (Annexure P-1), 30.06.2016 (Annexure P-2) and 19.10.2016 (Annexure P-3) passed against the petitioner are hereby quashed.
11. In the result, the petition is **allowed**.

Sd/-
(**Rakesh Mohan Pandey**)
Judge