



WP.No.9037 of 2008

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 14.07.2026

Pronounced on : 24.07.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.9037 of 2008
and MP.No.2 of 2008

A.Bhaskaran

... Petitioner

vs

1.The Union of India
Rep by its Secretary
Ministry of Home Affairs
New Delhi.

2.The Inspector General
Central Industrial Security Force (CISF)
Southern Sector, Rajaji Salai,
Chennai.

3.The Deputy Inspector General
Central Industrial Security Force (CISF)
Southern Sector, Rajaji Salai,
Chennai.

4.The Commandant
Central Industrial Security Force (CISF) Unit
Chennai Port Trust, Chennai.

5.The Assistant Commandant
Central Industrial Security Force (CISF)Unit
Chennai Port Trust, Chennai.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to No.V-11015/REV/AB/SS/08-599 dated 28.02.2008 passed by the 2nd respondent and quash the same and to consequentially direct the respondents to give all consequential benefits to the petitioner.

For Petitioner : Mr.Shashvath
for Mr.Vel Ayyadurai
for Mr.Rajinish Pathiyil

For Respondents : Mr.J.Madana Gopal Rao, SPC.

ORDER

Heard the learned counsel for the petitioner and the learned Senior Panel Counsel for the respondents and perused the records.

2. The case of the petitioner in brief is that while working as Assistant Sub Inspector in the CISF under the control of the 2nd respondent, the 5th respondent has issued charge memo dated 04.08.2005 under Rule 37 of CISF Rules 2001 containing two charges; that he had denied the charges; that oral enquiry was conducted and final order dated 14.11.2005 was issued by the 5th respondent awarding a penalty of fine equivalent to three days pay; that aggrieved by the aforesaid penalty he has preferred an appeal to the 4th respondent by petition dated 14.12.2005; that the 4th respondent after passage of almost five



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months issued an appellate order stating that the alleged nature of the misconduct

on the part of the appellant is quite grave in nature and deserves more stringent course of action; that based on the aforesaid order, the proceedings initiated against him under Section 37 was dropped and inturn memorandum under Rule 36 was issued for the very same charge; that though an enquiry was conducted under Rule 36, he was denied opportunity at each and every stage to disprove the charges against him; that the enquiry officer did not consider the preliminary objections raised by him as to the biased nature of the enquiry and submitted his report dated 05.05.2007 holding that the charges are proved; that he was not given reasonable opportunity by way of 2nd show cause notice to state his position; that based on the findings given by the enquiry officer, the disciplinary authority had proceeded to impose punishment floating all norms of law and without following due procedure and imposed penalty of *“reduction of pay by two stages for a period of one year, which will not have any effect of postponing his future increments of pay”*; and that he was penalised and awarded with higher penalty for preferring an appeal to prove himself clean.

3. It is the further case of the petitioner, aggrieved by the aforesaid order he had filed appeal before the 3rd respondent on 06.04.2006; that the 3rd respondent by an order dated 20.09.2007 rejected the appeal without assigning any reasons;



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that he thereafter preferred revision petition before the 2nd respondent on

15.10.2007; and the 2nd respondent by the impugned order dated 28.02.2008

rejected the revision petition holding it to be devoid of any merit.

4. The petitioner contended that the 2nd respondent while rejecting the revision petition did not deal with the grounds taken by him in the revision petition and mechanically passed the impugned order and gave a vague reply to the ground No.4 of the grounds in the revision petition; and that the aforesaid action of the respondents makes the entire proceedings vitiated and thus, liable to be set aside.

5. Counter affidavit on behalf of the respondents is filed.

6. The respondents by the counter affidavit mainly contended that the petitioner was in supervisory position and had failed to discharge his duties befitting his position and for the said reason disciplinary proceedings was initiated against him.

7. The respondents by the counter affidavit had denied the claim of the petitioner of not being provided with reasonable opportunity at each and every stage as being far from truth and contended that the petitioner was given



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reasonable opportunity to defend himself in accordance with rules; that the request

of the petitioner for defence assistant was not acceded in the light of Sub Rule 8(a) or Rule 36 of CISF Rules, which clearly stated the delinquent can avail the service of the defence assistant from among the persons posted at place of employment, while the petitioner had sought assistance from a different place other than the place of employment; that the petitioner ventilated the said grievance by filing writ petition in WP.No.23098 of 2006; that a Division Bench of this Court had rejected the said writ petition vide order dated 18.12.2006 and hence, the said contention of the petitioner is wholly untenable and unsustainable.

8. The respondents by the counter affidavit further contended that in absence of any personal bias being alleged against the enquiry officer, the claim of the petitioner that the enquiry officer conducted enquiry in biased manner, only because of presence of officer cited in his representation is without any basis, as the enquiry officer will draw his findings based on the evidence adduced during the course of enquiry; thus the contention is factually illegal, untenable and unsustainable; that the petitioner had acknowledged the receipt of enquiry report on 17.03.2007 and submitted representation seeking extension of time limit by 10 days, which was duly granted on 04.04.2007; and that the petitioner having submitted his representation against the findings of the enquiry officer on



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09.04.2007, the contention of the petitioner of he being denied reasonable opportunity to submit his objection to the enquiry report is illusory and imaginary.

9. Insofar as not being issued with 2nd show cause notice about the proposed penalty, it is contended that no such provision exist in the rules framed under CISF Act; that only when the appellate authority intends to impose a higher penalty than that was imposed by the disciplinary authority, a show cause notice is required to be issued; and that as the disciplinary authority on the basis of the findings in the enquiry report was imposing the punishment proposed, there was no need for issuing 2nd show cause notice as contended by the petitioner.

10. The respondents by the counter affidavit also contended that the appellate authority as well as the revisional authority while disposing of the appeal and revision petition have considered each and every point raised by the petitioner, in the appeal memorandum and in the revision petition and as such the contention urged by the petitioner is far from truth. The respondents contending as above seek for dismissal of the writ petition.

11. I have taken note of the respective contentions urged.

12. Though, the petitioner had claimed of he being denied reasonable



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opportunity at every stage in the present writ petition, the petitioner however did not chose to file the order of the disciplinary authority, by which he was imposed penalty of reduction of pay by two stags for a period of one year which will not have effect on postponing future increment of pay, nor mentioned any where as to the date when the said order was passed. However, this Court gathered the details as to the order by which the petitioner was awarded aforesaid penalty by the disciplinary authority being dated 05.05.2007, from the 3rd respondent / appellate authority order dated 20.09.2007.

13. Further, there is no reason for the petitioner not to file the order of disciplinary authority dated 05.05.2007 as the petitioner had filed the earlier final order whereby he was awarded penalty of fine equivalent to three days pay. The petitioner also did not file the appeal petition dated 04.06.2007 for him to claim that the 3rd respondent / appellate authority did not consider all the grounds taken by him in the appeal; and that the appellate authority having rejected his appeal without assigning any reasons.

14. Further, a perusal of the charge memo dated 06.04.2006 issued to the petitioner would show that the petitioner being in supervisory post had conducted himself in a negligent manner in discharging of his duties resulting in initiation of disciplinary proceedings and awarding of penalty.



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15 It is to be noted that the petitioner while seeking to lay challenge to the orders of the disciplinary authority as confirmed in appeal and also in revision is required to file all the documents into the Court, in order to seek relief and cannot cherry pick the documents on the basis of which he seeks adjudication by this Court. Despite, this Court pointing out the aforesaid fact by its docket order dated 07.07.2026, the petitioner did not chose to file the said documents for this Court to consider the challenge to the proceedings by which basic order was affirmed in the appeal and revision.

16. The Hon'ble Apex Court in the case of ***K.D.Sharma V. Steel Authority of India Limited and others*** reported in ***(2008) 12 SCC 481*** had held that '*if the Court comes to the conclusion that the affidavit in support of the application was not candid and did not fairly state the facts, but stated them in such a way as to mislead the Court as to the true facts, the Court ought, for its own protection and to prevent an abuse of its process, to refuse to proceed any further with the examination of the merits*' and referred to the decision in ***Kensington Income Tax Commissioner – (1917) 1 KB 486*** wherein, it was observed that “*if the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the Court, the Court has inherent power*



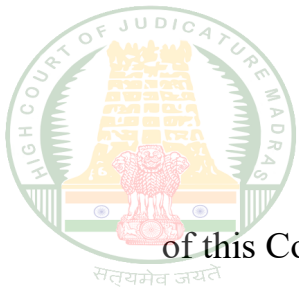
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in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits.

If the Court does not reject the petition on the ground, the Court would be failing in its duty”.

17. If the aforesaid decision of the Hon’ble Apex Court is applied to the present case, the non filing of the foundational documents (i.e) the order of the Disciplinary Authority by the petitioner or the grounds of appeal which the petitioner claims are not considered by the 3rd respondent while deciding the appeal, can only be considered as the petitioner resorting to selective disclosure while seeking adjudication by this Court, which the petitioner should not be allowed or permitted. Since, the petitioner had failed to file complete set of documents leading to the 2nd respondent passing the impugned order affirming the order of the 3rd respondent as well as the 5th respondent, this Court is of the view that the petitioner is not entitled for being granted any relief.

18. Further, in a similar circumstances, the Division Bench of this Court in WA.No.989 and 1015 of 2020 had set aside the order dated 19.02.2020 passed in WP.No.12501 and 12502 of 2012 wherein a similar issue as involved in the present writ petition was under consideration was allowed by a Co-ordinate Bench



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19. In view of the above, the writ petition is devoid of merit and is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2026

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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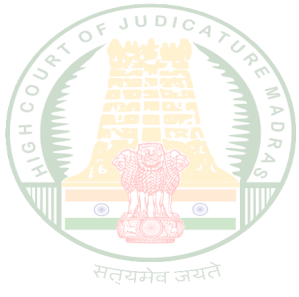
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T. VINOD KUMAR, J.

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Pre-delivery order made in
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