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WP No. 4745 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18-08-2026

PRONOUNCED ON : 21-08-2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP No. 4745 of 2012

Rajaram Prasad

..Petitioner

Vs

1.The Union Of India

Rep. By Its Secretary To Government,
Ministry Of Home Affairs, New Delhi.

2.The Deputy Inspector General

Central Industrial Security Forces (sz),
Ministry Of Home Affairs, Rajaji Bhavan,
D Block, Besant Nagar, Chennai-90.

3.The Commandant

Central Industrial Security Force Unit,
Neyveli Lignite Corporation, Neyveli.

4.The Commandant

Central Industrial Security Force Unit,
VSSC, Thumba, Tiruvananthapuram.

5.The Assistant Commandant

Central Industrial Security Force Unit,
PSLV, Valiyamala, Tiruvananthapuram

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, praying to call for the records of the second respondent dated 03.05.1999 and quash the same and direct the respondents to re-instate the petitioner into the service of the respondent.

For Petitioner:

Mr. W.M.Abdul Majeed



for Mrs.G.Sumithra

For Respondents:

Mr.V.Ashok Kumar
Senior Panel Counsel
for Mrs.N.K.Nithilavani
Central Government Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Central Government Counsel for the respondents and perused the records.

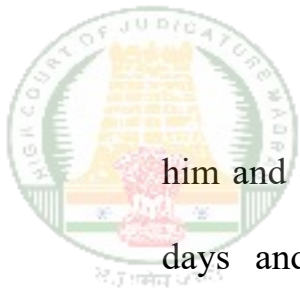
2. The petitioner, by the present writ petition has assailed the action of the second respondent in dismissing the appeal preferred by him against the order of penalty of “dismissal from service” imposed on him by the 3rd respondent vide order dated 07.11.1998 as illegal, arbitrary and contrary to the weight of evidence.

3. The case of the petitioner is that he was selected and appointed as constable in the Central Industrial Security Force (hereinafter referred as ‘CISF’) on 22.06.1994 and on completion of probation / training, his services were confirmed on 21.06.1996; that thereafter he was posted to discharge his duties at PSLV, Valiyamala Trivandram; that on 07.04.1998, when he was assigned Flying Sentry duty in front of INT Assembling Unit building situated inside the ISRO complex, from 09.30 p.m. to 01.30 a.m.; that he was entrusted



with 303 Rifle and 20 bullets; that while he was discharging his duties, three people had attacked him at knife point had taken away the rifle and bullets which were entrusted to him; that he was also beaten by the said three miscreants; that though he had sought for help by whistling, no one came to his rescue and he had fallen unconscious; that after gaining conscious, he had approached the main post and informed about the incident to the concerned authorities including Sub-Inspector and Commandant; and that on the respondent authorities lodging the complaint, he was arrested by the local Police; that though subsequently, the arm and ammunition, was recovered on 11.04.1998, while he was in Police custody, the respondents have wrongly claimed that the aforesaid recovery was made pursuant to the confession statement given by him and identifying the location where he had hidden the said arms and ammunition; that he did not give any confessional statement nor showed the place where he had hidden the said arm and ammunition; and that the respondents immediately placed him under suspension from 08.04.1998 and thereafter was transferred from Trivandaram PSLV to NLC Neyveli on 17.06.1998, wherein his suspension was continued.

4. It is the further case of the petitioner that the respondents thereafter issued a charge memo dated 11.06.1998 framing four articles of charge against



him and called upon him to submit his written statement of defence within 10 days and appointed an Enquiry Officer to conduct the enquiry without furnishing the translated copy of the documents in Hindi sought for by him in order to submit his written statement of defence; that the respondents rejected his request for legal assistance and stated that he can take assistance of any CISF personnel during the course of departmental enquiry; that his request to provide the assistance of constable one K.R.K.Nair who was working with him at PSLV and is aware of the entire incident, was not provided on the ground that he himself was facing disciplinary enquiry; that in absence of being provided with defence assistance, he could not take part in the enquiry proceedings; and that the enquiry proceedings were conducted *exparte*.

5. It is the further case of the petitioner that the Enquiry Officer also did not consider his request to defer enquiry proceedings, as in relation to the same said incident, since based on the complaint a criminal case has been registered against him by the local Police authorities, vide C.C.No.679 of 1998 on the same set of facts; that the Enquiry Officer did not accept his request and proceeded with the enquiry and based on the said *exparte* enquiry conducted, passed an order dated 07.11.1998 awarding the penalty of dismissal from service.

6. It is the further case of the petitioner that aggrieved by the aforesaid order of the 3rd respondent, he had preferred an appeal before the second



respondent on 30.11.1998; that the second respondent by the impugned order dated 03.05.1999 had dismissed his appeal and confirmed the order of the 3rd respondent awarding the penalty of dismissal from service.

7. The petitioner further contended that based on the complaint made by the respondents to the local police authorities in relation to the aforesaid incident, the local police authority registered a case vide Crime No.22 of 1998 of Valiyamala Police Station under Sections 409 and 424 of IPC the local police authorities conducted investigation and thereafter filed the charge sheet therein; that the charge sheet filed had been taken cognizance by the concerned Judicial Class Magistrate- I, Nedumangad vide C.C.No.679 of 1998; and that by order dated 03.05.2004 found him guilty of the offences, he is charged with and convicted him; that aggrieved by the aforesaid order of conviction, he had preferred Crl.A.No.233 of 2004; and that the Appellate Court vide order dated 09.05.2006 had found him not guilty; that the appellate Court had held that the prosecution miserably failed to prove of committing breach of trust as alleged and held him not guilty; that thereafter on being acquitted in criminal case vide order dated 09.05.2006, he had filed the writ petition before the High Court of Judicature at Allahabad vide Civ.Misc.W.P.No.59057 of 2006 seeking for issuance of writ of mandamus, commanding the respondents to reinstate him into the post of Constable; that the Hon'ble High Court by its order dated 28.10.2006 dismissed the said writ petition for lack of jurisdiction; that



thereafter he had contacted another Advocate in Kerala who had stated that a writ petition can be filed in High Court at Trivandram as a part of cause of action arose within the jurisdiction of the High Court, Trivandram; that though, he had made all arrangements for filing the said case, for the reasons best known to the Advocate, papers were not made ready, inspite of his repeated follow up; and thus he collected back the papers and handed over to the present counsel for filing the writ petition before this Court.

8. The petitioner contends that since, the offence he is charged within the criminal case and also the article of charge in the disciplinary proceedings is in relation to the incident that had occurred on 07.04.1998 and the charges in the criminal prosecution initiated based on the complaint made by the respondents and the disciplinary proceedings being the same, the acquittal recorded in criminal appeal would have to be taken into consideration by the respondent authorities; that the respondent authorities at the first instance should not have proceeded with the disciplinary action and ought to have considered his request to defer the disciplinary proceedings till the conclusion of the criminal case; and that are now required to reinstate him into the service as the Competent Court which had tried his criminal appeal has found him not guilty.

9. It is also further contended that since, the petitioner was denied opportunity in the enquiry proceedings by allowing him to take assistance of the



named CISF personnel on the ground that disciplinary proceedings were pending against the said person and as such, cannot be permitted to leave his place of posting to travel to Neyveli where the enquiry proceedings are being conducted, the enquiry proceedings were not conducted in fair manner, as he was denied opportunity to put forth his defence through his representative and thus, the enquiry proceedings on the basis of which the penalty of “dismissal from service” is passed is bad and liable to be set aside.

10. In support of the aforesaid contentions, reliance is placed on the decisions of the Hon’ble Apex Court in the case of ***Ram Lal vs. State of Rajasthan and others*** – (2024) 1 SCC 175, ***Capt.M.Paul Anthony vs. Bharat Gold Mines Ltd an Another*** – (1999) 3 SCC 679, ***G.M.Tank vs. State of Gujarat and others*** – (2006) 5 SCC 446, ***M.V.Bijlani vs. Union of India and others*** – (2006) 5 SCC 88 to contend that judicial review is permitted where the disciplinary action initiated is on the same charges as the criminal case.

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

12. The respondents, while denying the contentions of the petitioner contended that the claim of the petitioner of he not being allowed to take assistance of CISF person was not correct; that though the petitioner had named K.R.K.Nair who is a CISF personnel working in PSLV Valiyamala, Trivandram



did not submit consent letter obtained from the said person to act as a defence assistance of the petitioner in the subject enquiry proceedings; that even though the petitioner did not submit a consent letter from the said CISF personnel, the respondent made enquiries and found that the said CISF personnel himself was facing departmental enquiry and as such, cannot be permitted to leave his place of posting; that the petitioner was informed of the same by the respondent vide memorandum dated 16.09.1998, to choose another CISF personnel; that the petitioner however for reasons best known to him did not name any other person to avail assistance; thus, the Enquiry Officer proceeded with the enquiry *ex parte* and submitted his report; and that the claim of the petitioner of he not being provided with opportunity in the enquiry proceedings and the said proceeding not being conducted in fair manner is incorrect.

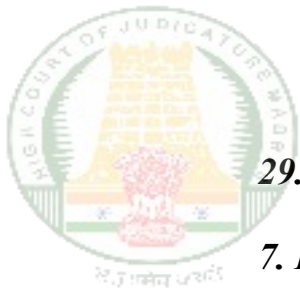
13. The respondents, further contended that the criminal proceedings initiated against the petitioner was in relation to his criminal act of breach of trust the departmental proceedings initiated under the CISF Act 1968, and the Rules framed thereunder namely CISF Rules, 2001 is in relation to the misconduct as per the CISF Act; thus, the petitioner securing acquittal in criminal case would have no bearing on the disciplinary action; that the award of the penalty of “dismissal from service” by the 3rd respondent is on account of the proven articles of charge of having failed to protect the arm and ammunition entrusted to him and creating the story of snatching of the same by the three



persons; that as the departmental proceedings, only the preponderance of probability is to be considered, while in criminal case beyond reasonable doubt is to be established; that the disciplinary authority based on the material on record having come to the conclusion of petitioner acting in the dereliction of duties and also committing grave misconduct which is entirely different from the provisions under which, he was charged in the criminal prosecution; and that both the proceedings being different, were acquitted in criminal charge will not absorb the proven articles of charge levelled against him in disciplinary proceedings.

14. In support of the aforesaid contention, reliance is placed on the following decisions:

- 1. Nelson Moths V. UOI and another – (1992) 4 SCC 711***
- 2. State Bank of India V. R.B.Sharma – (2004) 7 SCC 27***
- 3. Ajit Kumar Nag V. General Manager (PJ) Indian Oil Corporation Ltd, Haldia and others – (2005) 7 SCC 764***
- 4. Divisional Controller Karnataka State Road Transport Corporation v. M.G.Vittal Rao – (2012) 1 SCC 442***
- 5. MSRT, Jalna and another V. Tulsiram – 2016 (5) Mh.L.J. 611***
- 6. P.Arumugam v. The Inspector General and Commissioner of Police, Salem and another - WA.No.3273 of 2019 dated***



29.10.2021 (High Court of Madras)

7. Lalit Popli v. Canara Bank – (2003) 3 SCC 583

8. Suresh Pathrella v. Oriental Bank of Commerce – (2006)

10 SCC 572

9. Noida Entrepreneurs Association v. Noida and others –

(2007) 10 SCC 385

10. Samar Bahadur Singh v. State of U.P. and others –

(2011) 9 SCC 94

11. State (NCT of Delhi) v. Ajay Kumar Tyagi – (2012) 9

SCC 685

12. Deputy Inspector General of Police and another v.

S.Samuthiram - (2013) 1 SCC 598

13. R.K.Solanki v. Central Bank of India – WA.No.780 of

2016 dated 07.02.2018 (High Court of Madhya Pradesh)

15. In reply, petitioner submits that the disciplinary authority while awarding punishment did not supply him a copy of the Report of the Enquiry as mandated under Rule 36(21)(iii) of the Rules, 2001 which on account of usage of word “shall” is mandatory. Thus, it is contended by the petitioner that since, there is non compliance of the mandatory requirement of supplying the enquiry report, the impugned order cannot be sustained.

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



19. Firstly, it is to be noted that the CISF Rules were initially framed in the year 1969 and were subsequently amended and new Rules were gazetted on 05.11.2001 as CISF Rules 2001. The Rule 36(21)(iii) was not even forming part of the amended Rules which was introduced in the year 2001. The Rule 36(21) (iii) and was inserted only w.e.f 09.06.2003 vide GSR.No.462(e) dated 23.05.2003. Thus, not only the petitioner cannot rely on the Rules which were published not in force at the relevant point of time and made effective from 05.11.2001, and also the sub clause which was inserted and made effective from 09.06.2003 while defending his case, the relevant Rules which governed the



disciplinary proceedings initiated against the petitioner were CISF Rules 1969.

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20. Further, the petitioner having not taken the said plea at any time before, obviously for the reasons as the said Rule was not inserted in the Rules, till June 2003, the petitioner cannot be allowed to raise the said plea, now for the first time in the course of the argument without taking the said plea atleast in the affidavit, for the respondents to respond to the same. (*See: Raj Kumar Dixit vs. M/s. Vijay Kumar Gauri Shanker - (2015) 9 SCC 345*)

21. Thus, the challenge to the impugned proceedings on the said ground has to fail.

22. Though the petitioner by referring to the evidence sought to contend contradictions in the claims being made by the respondents with regard to occurrence of the incident and distance and variation in distance to the sentry post, notwithstanding the fact that the respondents having clarified the said aspect, this Court is of the view that it cannot undertake the exercise of reappraisal or reevaluating the evidence to see as to whether the 3rd respondent while awarding the penalty could have come to the said conclusion that the act of the petitioner would amount to grave misconduct or dereliction of duties.

23. It is trite law that in a writ petition filed against the order of



disciplinary authority, the writ court does not act as an appellate Court, by examining the evidence that has been let in by the parties in minute detail; as the same would amount to writ court reappreciating / revalidating the evidence which has been held to be impermissible.

24. The Hon'ble Apex Court in the case of ***Union of India and others V. P.Gunasekaran*** □ **2015 (2) SCC 610**) had deprecated the practice of High Court undertaking the reappreciation and revalidating of evidence in challenge to the disciplinary authorities and observed as follows :-

□12. *Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:*

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*



(d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;

(e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;

(f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;

(g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;

(h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;

(i) the finding of fact is based on no evidence.

13. Under Articles 226/227 of the Constitution of India, the High Court shall not :

(i) reappreciate the evidence;

(ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;

(iii) go into the adequacy of the evidence;

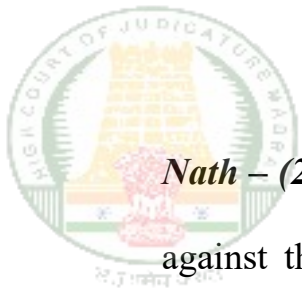
(iv) go into the reliability of the evidence;

(v) interfere, if there be some legal evidence on which findings can be based.

(vi) correct the error of fact however grave it may appear to be;

(vii) go into the proportionality of punishment unless it shocks its conscience.”

25. The Hon’ble Apex Court in *Union of India and others vs. Subrata*



Nath – (2022) SCC Online SC 1617 had held that the writ Court in a challenge against the order of the disciplinary authority as confirmed by the appellate authority/revisional authority, is only required to see as to whether the order by which the delinquent is visited with penalty could have been passed on the basis of the material available or the punishment imposed is so harsh, that it shocks the conscious of the Court. The other grounds of interference by the Writ Court is violation of principles of natural justice and non adherence to the statutory regulations resulting to procedural infraction.

26. Though the petitioner had contended that inspite of he seeking assistance of the named CISF personnel namely K.R.K.Nair and also he not being provided with translation copy, the respondents having denied to make his assistance available to him on the ground that the said CISF personal himself was facing the disciplinary proceedings and thus, the enquiry proceedings being vitiated, it is to be noted that as per the Rule 34(5) of the CISF Rules, 1969, which were in force at the relevant point of time and applicable to the case of the petitioner, it is for the petitioner to inspect and take extract from the official records as he may choose. Further, it is for the petitioner to furnish the consent letter from the named person showing his willingness to act as the defence assistance on behalf of the delinquent. Since, the petitioner did not furnish the consent letter from the person named by him and the concerned authority where the CISF personnel named by the petitioner having refused to make available



the said CISF personnel to conduct the enquiry proceedings on behalf of the delinquent, the petitioner could have either conducted the proceedings himself or had sought for assistance of any other person, as the petitioner was permitted to give names of three CISF personnel.

27. The petitioner not only did not choose to name any other member of the force to be his defence assistance on his behalf but also did not choose to participate in the enquiry proceedings by himself. Thus, the enquiry proceedings were held *ex parte*. Once, the petitioner chose to remain *ex parte*, it is not open for the petitioner after the conclusion of the proceedings to lay a challenge to the said proceedings on the ground that the said proceedings are vitiated. (*See - (i) Bank of India v. Apurba Kumar Saha – (1994) 2 SCC 615 and (ii) State Bank of India & another v. Narendra Kumar Pandey – (2013) 2 SCC 740*)

28. In so far as, the contention of the petitioner that he having secured acquittal in criminal case and as the disciplinary proceedings are also initiated on the same charge, the disciplinary proceedings, by which, he was awarded penalty of dismissal from service is required to be set aside, the law on this aspect is well settled by catena of decisions.

29. The Hon'ble Apex Court in the case of *State of Rajasthan and others vs Pool Singh - (2022) 19 SCC 713*, after referring to the judgment in the case



Paul Anthony (supra) held that the two proceedings i.e., criminal and departmental are entirely different; and that merely because one has been acquitted in criminal case would not by itself result in reinstatement into service where one has been found guilty in departmental proceedings .

30. The Hon'ble Apex Court in the aforesaid decision referred to another decision of the Hon'ble Supreme Court in ***Union of India v. Sitaram Mishra-(2019) 20 SCC 588***, wherein it was held that merely because an employee was acquitted by the criminal court, it does not *□Ipso facto□* mean that he is entitled to be reinstated into service, particularly when he was dismissed from service after facing the disciplinary proceedings. The Apex Court further observed that the disciplinary proceedings are governed by a different standard of proof from that applicable in criminal proceedings and had drawn a distinction between a *□criminal offence□* and *□misconduct□*, holding that merely because one has been acquitted in a criminal trial would not result in the reversal of a finding of *□misconduct□*, which was arrived at in departmental proceedings.

31. In the facts of the present case, since, the disciplinary proceedings were initiated against the petitioner for grave misconduct and negligence as per the Act and Rules while the criminal proceedings were initiated under Section 409 and 424 of IPC dealing with the criminal breach of trust and dishonest or



fraudulent removal or concealment of property, and liable to be punished with imprisonment/fine, the claim of the petitioner that the charges in the criminal case and in the disciplinary proceedings being the same, the respondents ought to have deferred the disciplinary proceedings does not appeal to this Court for being accepted as a valid ground.

32. Further, the disciplinary authority having initiated action against the petitioner by issuing the articles of charge alleging grave misconduct, indiscipline for being away from duty, wilful suppression, of hiding the arm ammunition and misconduct of unbecoming act of uniformed personnel by fabricating the false story of snatching away of 'rifle' and acting in gross negligence and dereliction of duty during the duty hours, the said articles of charge cannot be considered as the same charge offence in the criminal proceedings that was initiated against the petitioner, for the petitioner to place reliance of the decision of the Hon'ble Apex Court in **Ram Lal** case (supra).

33. It is also to be noted that the present writ petition as filed by the petitioner also suffers on account of delay and laches. The order of the second respondent, by which, the order of the 3rd respondent is affirmed is dated 03.05.1999 while the order of the 3rd respondent is 07.11.1998. Between 1998-1999 till the filing of the present writ petition in the year 2012, the said order of the authorities, not only remained unchallenged but also attained



finality. It is only after the petitioner getting acquittal in criminal appeal, he had filed the writ petition before the High Court at Allahabad which was also dismissed on 28.10.2006 for lack of jurisdiction. From 28.10.2006 till the filing of the present writ petition on 24.02.2012, further more 5 years had passed by. Though the petitioner had claimed of he having contacted the Advocate in Kerala who it is stated that the writ petition can be filed before the High Court of Kerala at Trivandram and despite the petitioner following up, no steps having been taken, for filing the writ petition, the petitioner approaching the present Advocate in Chennai to get the present writ petition filed, firstly, it is to be noted that the High Court of Kerala is not situated at Trivandram, for this Court to accept the claim of the petitioner of he being advised by an Advocate in Kerala to the said effect. The High Court of Kerala is situated at Ernakulam, Cochin and not Trivandram i.e., the State of capital.

34. Secondly, in absence of the petitioner furnishing any details as to when and which Advocate he had to be contacted, mere statement by the petitioner to the above fact cannot be accepted as a valid claim for this Court to ignore the delay lightly.

35. The Hon-ble Apex Court in the case of ***Chennai Metropolitan Water Supply & Sewerage Board and others v. T.T. Murali Babu reported in (2014) 4 SCC 108*** dealt with the aspect of delay and laches, and observed as under:



□ 16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant □ a litigant who has forgotten the basic norms, namely, □procrastination is the greatest thief of time□ and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis. □

36. The Apex Court in the case of **Karnataka Power Corporation Ltd. vs. Thangappan and another reported in (2006) 4 SCC 322** observed as under:

□ 6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission



on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in *Durga Prashad v. Chief Controller of Imports and Exports* [(1969) 1 SCC 185 : AIR 1970 SC 769] . Of course, the discretion has to be exercised judicially and reasonably. □

37. Further in the case of ***State of Jammu & Kashmir v. R.K. Zalpuri and others reported in (2015) 15 SCC 602***, the Apex Court has held as under :~

□ 27. *The grievance agitated by the respondent did not deserve to be addressed on merits, for doctrine of delay and laches had already visited his claim like the chill of death which does not spare anyone even the one who fosters the idea and nurtures the attitude that he can sleep to avoid death and eventually proclaim*
□ *deo gratias* □ □ □ *thanks to God* □ . □

38. The Hon□ble Supreme Court in ***Mrinmoy Maity vs. Chhanda Koley and Others, (2024) 15 SCC 215***, dealing with maintainability of writ petition with delay has held as under :-

9. □ □ *This Court time and again has held that delay*



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defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers Under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action. □

11. □□.. If it is found that the writ Petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction Under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court. □

39. Thus, the filing of this writ petition by the petitioner more than a decade after being awarded with order of penalty of “dismissal from service”, suffers on account of delay and laches and is liable to be rejection on that



ground also.

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40. In so far as, the reliance placed by the petitioner on the decision of the Hon'ble Apex Court is concerned, the same does not advance the cause of the petitioner. On the other hand, the judgment relied also apply the principles of preponderance of probability. Since, the probability of involvement of the petitioner in committing the act of gross misconduct are found to be proved in the disciplinary proceedings and it is being a settled position of law that the disciplinary authority is the sole Judge of the facts, this Court cannot interfere with the findings of the disciplinary authority or the punishment awarded by substituting the said finding recorded by the disciplinary authority with its own facts (*See: (i). High Court of Judicature at Bombay through its Registrar vs. Shashikant.S. Patil and another - (2000) 1 SCC 416; (ii). B.C.Chaturvedi vs. Union of India – (1995) 6 SCC 749 and (iii). State of Andhra Pradesh vs. Chitra Venkata Rao -(1975) 2 SCC 557*)

41. The Hon-ble Apex Court in the case of *Union of India v. Sardar Bahadur reported in 1972 (4) SCC 618* dealing with the disciplinary proceedings and standard of proof had held as under : ~

15. A disciplinary proceeding is not a criminal trial. The standard proof required is that of preponderance of probability and not proof beyond reasonable doubt. If the



inference that Nand Kumar was a person likely to have official dealings with the respondent was one which a reasonable person would draw from the proved facts of the case, the High Court cannot sit as a court of appeal over a decision based on it. Where there are some relevant materials which the authority has accepted and which materials may reasonably support the conclusion that the officer is guilty, it is not the function of the High Court exercising its jurisdiction under Article 226 to review the materials and to arrive at an independent finding on the materials. If the enquiry has been properly held the question of adequacy or reliability of the evidence cannot be canvaased before the High Court..... □

42. The aforesaid principle of law was reiterated by the Hon'ble Apex Court in a recent decision in the case of ***Airports Authority of India vs. Pradip Kumar Banerjee*** reported in ***2025 SCC Online SC 1020***.

43. Thus, considered from any angle, the present writ petition as filed assailing the action of the second respondent in rejecting the appeal filed by the petitioner by the order dated 03.05.1999 affirming the order of the 3rd respondent dated 07.11.1998 cannot be held to be vitiated or suffering from violation of principle of natural justice or is contrary to law laid down by the Hon'ble Apex Court.

44. Accordingly, the writ petition as filed is devoid of merit and is



dismissed. No costs.

21-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MSV

To

1. The Secretary To Government,
Union Of India
Ministry Of Home Affairs, New Delhi.

2. The Deputy Inspector General
Central Industrial Security Forces (sz),
Ministry Of Home Affairs, Rajaji Bhavan,
D Block, Besant Nagar, Chennai-90.

3. The Commandant
Central Industrial Security Force Unit,
Neyveli Lignite Corporation, Neyveli.

4. The Commandant
Central Industrial Security Force Unit,
VSSC, Thumba, Tiruvananthapuram.

5. The Assistant Commandant
Central Industrial Security Force Unit,
PSLV, Valiyamala, Tiruvananthapuram



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