



2026:DHC:7142-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 17th August, 2026

CNR No. DLHC010171062024

+ **W.P.(C) 4688/2024**

RAMESH KUMAR
CISF NO. 074390366
AGED ABOUT 35 YEARS
S/O LATE SHRI TEJARAM
R/O CISF UNIT
NFL PANIPAT
HARYANA 132106

...PETITIONER

Through: **Mr. Nikhil Bhardwaj, Advocate**

Versus

1. UNION OF INDIA
THROUGH ITS SECRETARY,
MINISTRY OF HOME AFFAIRS
NORTH BLOCK
NEW DELHI 110001

... RESPONDENT NO. 1

2. DIRECTOR GENERAL
CISF, FHQR
13 CGO COMPLEX,
LODHI ROAD,
NEW DELHI 110003

... RESPONDENT NO. 2

3. INSPECTOR GENERAL (NCR)
CISF, FHQR
13 CGO COMPLEX, LODHI ROAD,



2026:DHC:7142-DB



NEW DELHI 110003

... RESPONDENT NO. 3

4. **DY. INSPECTOR GENERAL (NCR)**

CISF, FHQR
13 CGO COMPLEX,
LODHI ROAD,
NEW DELHI 110003

... RESPONDENT NO. 4

5. **COMMANDANT**

CISF UNIT
IOC PANIPAT, HARYANA

... RESPONDENT NO. 5

6. **DY. COMMANDANT**

CISF UNIT, NFL PANIPAT
HARYANA

... RESPONDENT NO. 6

Through: Mr. Abhishek Yadav, SPC with
Mr. R.S. Rathi, AC and Mr.
Ravikant, Head Constable,
CISF

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AMIT SHARMA

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

CM APPL. 54792/2026 (fresh by petitioner for early hearing)

1. The present application has been filed by the petitioner seeking early hearing.
2. In view of the submissions made by learned counsel for the



petitioner, the application is hereby allowed and the matter is taken up for hearing today itself.

3. The application stands disposed of accordingly.

W.P.(C) 4688/2024

4. The prayer in the petition reads thus:

“i) Issue a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the impugned Penalty order dated 24.11.2021 vide which respondents have imposed the penalty of “fine to an amount equal to 05 days of pay” upon the petitioner as well as orders dated 12.01.2022 and 29.11.2022 vide which Appeal and the Review Petition (respectively) of the petitioner against the impugned penalty order dated 24.11.2021 was rejected.

ii) Issue a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the charge sheet dated 30.10.2021 as well as the proceedings arising therefrom;

iii) Issue a Writ of Mandamus or any other writ, order or direction of the like nature directing the Respondents to refund the money, if any, illegally deducted & recovered and withdrawn from petitioner’s salary pursuant to penalty order dated 24.11.2021; and/or;

iv) Pass such further and other orders and directions as this Hon’ble Court may deem fit and proper.”

5. Departmental proceedings were initiated against the petitioner on the ground that two complaints received against him were to be



2026:DHC:7142-DB

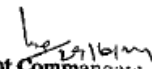


looked into through a Preliminary Inquiry, for which he was issued a telephonic intimation, calling upon him to appear and cooperate in the said Preliminary Inquiry.

6. The petitioner's failure to respond and cooperate resulted into the passing of impugned order dated 24th November, 2021, whereby punishment of a 5-day salary cut came to be imposed on him, which order was affirmed in appeal, so also in revision.

7. It is not that the petitioner disobeyed the orders of the respondents, but rather he sought information from the respondents. Reliance is placed on the General Diary maintained by the respondents in regard to the said inquiry, which is reproduced as under:-

Sl. No	Time	Date	Subject	Description	Signature / With Name
1888	1652	30.08.21	Informed Preliminary Enquiry	At the said time, as per the orders of the Company Commander Plant, constable Ramesh Kumar was given a message on cellphone number 8722040356 to be present at the company commander's office for primary investigation at 1700 hours. The force member said that he is cooperating with	SD/- XXX


Assistant Commandant
CISF Unit NFL, PANIPAT

Signature Not Verified

Signed By: PREETNA
RAWAT
Signing Date: 25.08.2026
17:13:05



				the primary investigation but I should be given a copy of the office order and an information report has been filed.	
1894	1810	30.08.21	Absence in Preliminary Enquiry	Till the said time, constable Ramesh Kumar did not appear in the Company Commander's office for preliminary investigation regarding family matters as per the orders of the Company Commander. Therefore, absence report information is recorded in the primary investigation.	SD/- XXX


Assistant Commandant
CISF Unit NFL, PANIPAT

8. It is the contention of learned counsel for the petitioner that he has every right to demand the documents and information in compliance with the principles of natural justice as guaranteed under the constitutional provisions, particularly under Article 14 of the Constitution of India. In addition to above, reliance is also placed on



Rule 3(2) (iii) & (iv) of the Central Civil Services (Conduct) Rules 1964, [hereinafter referred to as “CCS (Conduct) Rules”] so as to urge that rights are conferred on the petitioner to obtain confirmation of the oral orders in writing. It is further urged that the rules contemplate that the respondents, as far as possible, should avoid issuing oral orders and if such oral orders are issued, confirmation has to be issued in writing upon demand. It is urged that not only there is a denial of principles of natural justice in the matter, but also petitioner’s conduct could not have been held to be contrary to the provisions of the aforesaid rule, *i.e.*, Rule 3(2) (iii) & (iv) of the CCS (Conduct) Rules, which reads thus:-

“Rule 3(2)

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.”

9. It is further urged that under Rule 77 of CISF Rules-2001, the aforesaid rules are adopted and made applicable to the employees of the CISF.

10. As against above, learned counsel for the respondents would urge that Section 10 (a) to (d) of the Central Industrial Security Force Act, 1968 entailing discipline, provides for the duties of Members of



the Force. According to him, admittedly the petitioner is a Member of the Force and is required to promptly obey and execute all orders lawfully issued to him by his superior authorities. It is urged that the orders to participate and cooperate in the preliminary inquiry was in compliance with the aforesaid provision. Non-compliance thereof, as such, is considered as an act of insubordination and he was duly proceeded against pursuant to provisions of Rule 37 of CISF Principal Rules-2001, and the penalty prescribed under Rule 34(x) of CISF Rules-2001, viz. minor penalty, was also imposed. According to him, the fundamental basis on which the Force is required to function includes the maintenance of strict discipline. The act of insubordination adopted by the petitioner has rightly prompted the respondents to impose a minor penalty. As such, he would urge that the order impugned does not call for any interference in extraordinary jurisdiction.

11. Having considered the rival claims, it is apparent that the petitioner was informed through oral intimation on 30th August, 2021, on a cellphone call bearing no. 8722040356 to remain present at the Company Commander's Office for a preliminary investigation at 17:00 Hrs.

12. It further appears that during the said Inquiry, the petitioner was shown to be cooperating with the Preliminary Investigation, but he sought for a copy of the office order and the information report that has been filed against him.

13. The aforesaid notings are maintained with the office of the respondents and the same, in clear terms, record that the petitioner pursuant to the oral message given to him on the mobile phone/cell



phone, was cooperating in the inquiry proceedings.

14. The only aspect perhaps which the respondents consider insubordination is his request to be provided a copy of the office order and the information report which was filed against him.

15. Rightly so, learned counsel for the petitioner has submitted that in compliance with the principles of natural justice, petitioner has every right to ask for the documents based on which an inquiry, much less a Preliminary Inquiry, is sought to be conducted against him. Whether such documents are to be provided or not at the Preliminary Inquiry stage is an independent decision, and it was open for the respondents to pass an order on such request of the petitioner seeking copies of the documents.

16. As regards the conduct of the petitioner that he remained absent on the date and time on which he was called upon by the respondents to remain present is concerned, if we consider the conduct of the petitioner in the light of the provisions of the Rules referred above, particularly, Rules 3(2) (iiii) & (iv) of CCS (Conduct) Rules, such orders were not only to be issued to the petitioner in writing when sought by him, but also, in our opinion, he has the right to seek information.

17. Merely because on the date and time when the preliminary inquiry was to be conducted, the petitioner remained absent, that by itself cannot lead to an inference that it was an act of insubordination within the meaning of clause (a) of Section 10 of the CISF Act. The said provision, in our opinion, is guided by the provisions of Rule 3(2)(iii) & (iv). The very clause (iii) & (iv) of sub-rule (2) of Rule 3 of CCS (Conduct) Rules, gives right to the petitioner to ask for



information and written confirmation of the order, which the respondents failed to provide.

18. Apart from above, when confronted, the respondents are not in a position to demonstrate whether any order was passed on the request made by the petitioner seeking a copy of the office order and information report, nor any explanation is forthcoming.

19. In the light of the provisions of Rule 3 of CCS (Conduct) Rules (*supra*) if read with provisions of Section 10 of the CISF Act, it cannot be inferred that petitioner had committed an act of insubordination or disobeyed any orders.

20. Where a delinquent employee fails to appear before the disciplinary authority pursuant to an oral notice, it would remain open to the authority to proceed with the disciplinary proceedings in *absentia*, in accordance with the applicable procedure. However, such non-appearance, in the absence of a duly established obligation requiring the delinquent to attend pursuant to a formal notice, cannot, by itself, be construed as a failure in the discharge of duties so as to attract misconduct under the provisions of the CISF Act. The mere failure to respond to an oral direction, without there being a clear and enforceable duty to appear and without following the prescribed disciplinary procedure, cannot automatically be treated as dereliction of duty warranting disciplinary action.

21. In this background, in our opinion, the very cause which is relied on by the respondents, not only for imposing the penalty but also for its confirmation before appellate and revisional authority, goes contrary to the statutory mandate provided under Section 10 of the CISF Act read with Rule 3(2)(iii) & (iv) of the CCS (Conduct)



2026:DHC:7142-DB



Rules.

22. That being so, the impugned order, being unsustainable, is hereby quashed and set aside.

23. The writ petition, as such, stands allowed in terms of prayer clause (i).

24. The deduction, if any, already made from the salary of the petitioner be made over to him within a period of four weeks from today and any adverse remarks made in the service record of the petitioner to the effect of imposition of penalty shall be also withdrawn.

25. Pending application, if any, also stands disposed of.

26. Judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AMIT SHARMA
(JUDGE)**

AUGUST 17, 2026/ay/st

Signature Not Verified

Signed By: PREETNA
RAWAT
Signing Date: 25.08.2026
17:13:05