

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.912 OF 2017

Jayan N. S.,

... Petitioner

Versus

Union of India

Through Secretary & Ors.

.... Respondents

Mr. G. Vijaychandran, Advocate for the Petitioner.

Mr. Mahesh Amonkar, Advocate for Respondent No.6.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 12 June 2018.

P.C.:

By this petition, the Petitioner, a member of security force has challenged the order dated 23 November 2016 passed by Respondent No.6 censuring the Petitioner; the order dated 17 March 2017 passed by the Appellate Authority; and the order passed by the Revisional Authority dated 15 May 2017.

2. The Petitioner was charged for indiscipline and disorderly behaviour. The Petitioner appeared before the disciplinary Authority and requested the Authority to take a lenient view. The Authority considered the fact that the Petitioner was member of the police force and his representation was found to be not satisfactory. The Authority opined that action needs to be taken strictly, however, due to short service of the Petitioner, his family responsibility and future prospects, by taking lenient view, the Petitioner is censured. The Petitioner thereafter filed an appeal before the Appellate Authority. The Appellate Authority after considering the case papers and documents dismissed the appeal. The same was confirmed in revision. Thereafter, the petition has been filed.

3. The learned counsel for the Petitioner urged various grounds on merits on the charge as well as contended that the preliminary enquiry has not been taken into consideration.

4. Rule 37 of the Central Industrial Security Force Rules, 2001 does not contemplate enquiry for imposition of punishment of censure. As regards the principles of natural justice are concerned, we find that the Petitioner has been given opportunity to explain himself. Thereafter, he has availed remedy of appeal and revision. The

Authority after considering the material has already taken a lenient view. We are of the opinion that considering the discipline that is required to be maintained by the Respondents in the establishment, that the Respondents-Authorities have already taken a lenient view, opportunity was given, and that the Rules do not contemplate an enquiry, no case is made out for interference in the equity jurisdiction of this Court. The Writ Petition is rejected.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.