



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

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**THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

W.A.[MD]No.377 of 2013

S.Pandi,
Constable No.851470191,
CISF Unit, Kalnia Camp,
Kalin-Post, Mumbai.

: Appellant/Petitioner

Vs.

1. The Senior Commandant,
Central Industrial Security Force,
APSU, Chennai-600 027.

2. The Deputy Inspector General / Airport,
Central Industrial Security Force,
South Zone Head Quarters,
Besant Nagar, Chennai -90.

3. The Commandant,
CISF Unit, CSI Airport,
Mumbai.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed in W.P.(MD)No.3304 of 2009 dated 28.02.2013 by a learned Single Judge of this Court.

Prayer in WP(MD)No. 3304/2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorari-fied Mandamus to call for the records relating the order passed by the 2nd Respondent in his order No.11014/49/2006/L & R (SZ)-639 dated 05.03.2009 and the consequential order of the 3rd respondent dated 18.03.2008 in his order No.E-32099(1)CISF/CSIA(M)/PROM/AD.II/08-2026 and quash the same and to direct the respondents to promote the petitioner as Head Constable with effect from the year 2005 and to pay all monitory benefits.

For appellant

: Mr.R.Vadivelu

For respondents 1 to 3

: Mr.Su.Sampath Kumar



JUDGMENT

**[Judgment of the Court was delivered by
The Hon'ble Chief Justice]**

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We have heard the learned counsel for the appellant.

2.The appellant, being a Constable in the Central Industrial Security Force, has come up questioning the correctness of the impugned judgment dated 28.02.2013, dismissing his writ petition in relation to the punishment meted out to him that had seen an earlier round of litigation. The appellant had earlier come up before this Court and the matter had been remitted for reconsideration of the quantum of punishment that was stoppage of one increment for a period of one year with cumulative effect and applicable in future.

3. The matter was considered by the appellate authority before whom the matter had been remitted and the earlier decision was confirmed.

4. Learned counsel for the appellant submits that the appellant has been unjustly awarded a harsher punishment, whereas a lesser punishment could have been meted out to him as there was a petty quarrel between him and the Head Constable. It is therefore submitted that not only the punishment but also the entry in the annual character roll is an impediment in his future promotions.

5. We have considered the submissions raised. The allegations against the appellant that was found to be proved was that in some exchange of words, the appellant resorted to a corporeal act of kicking and punching the Head Constable. The learned counsel for the appellant has described this as a petty quarrel. We do not find any error in the reconsideration of the matter, after remand by this Court and further being a disciplined force, the nature of the punishment meted out to the appellant on any parameter cannot be, in our estimation, said to be disproportionate to the charge which has been found to be proved.

6.In view of the aforesaid reasons recorded by us and keeping in view the reasons recorded by the Appellate Authority as well as by the learned Single Judge, we do not find this to be a case for interference. It is accordingly consigned to records. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1. The Senior Commandant,
Central Industrial Security Force,
APSU, Chennai-600 027.
2. The Deputy Inspector General / Airport,
Central Industrial Security Force,
South Zone Head Quarters,
Besant Nagar, Chennai -90.
3. The Commandant,
CISF Unit, CSI Airport,
Mumbai.

+1 CC to M/s.M/S.M.MOHAMED IBRAHIM ALI, Advocate (SR-105511[F]
dated 18/12/2019)

GCG/PNN

TE : 06/01/2020 : 3P/5C

JUDGMENT MADE IN
W.A.[MD]No.377 of 2013
17.12.2019