

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2396 of 2021

Vedpal Boora

.... Petitioner

Vs

1. The Director General,
Central Industrial Security Force,
Block No.13, C.G.O.Complex,
Lodhi Road, New Delhi - 110 003.
2. The Inspector General,
Central Industrial Security Force,
DAE & DOS, Head Quarters,
Block No.13, C.G.O.Complex,
Lodhi Road, New Delhi - 110 003.
3. The Deputy Inspector General,
DAE Zonal Head Quarter, NFC Complex,
Post - ECIL, Hyderabad - 500 062.
4. The Commandant,
CISF DAE Unit, Kalpakkam,
Chengalpattu District,
Tamil Nadu - 603 102.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent dated 31.12.2019 in his order No.V-11014/51/2019/L&R/1128, confirming the order of the 2nd respondent, dated 20.05.2019 in his order No.V-15015/CISF/DAE&DOS/L&R/App1/SI-VPB/2019-1514 confirming the order of 3rd respondent dated 02.11.2018 in his order No.V-15014/Legal/DAE/VB/2018/084 and quash the same and direct the respondents to take the petitioner into the strength of the CISF with all consequential service cum monetary benefits.

For Petitioner : Mr.R.Thiyagarajan

For Respondents: Mr.S.Diwakar, CGSPC

O R D E R

This writ petition has been filed, calling for the records relating to the impugned order passed by the 1st respondent dated 31.12.2019 in his order No.V-11014/51/2019/L&R/1128, confirming the order of the 2nd respondent, dated 20.05.2019 in his order No.V-15015/CISF/DAE&DOS/L&R/Appl/SI-VPB/2019-1514 confirming the order of 3rd respondent dated 02.11.2018 in his order No.V-15014/Legal/DAE/VB/2018/084 and quash the same and direct the respondents to take the petitioner into the strength of the CISF with all consequential service cum monetary benefits.

2. Mr.S.Diwakar, learned CGSPC takes notice for the respondents. By consent of both sides, the Writ Petition itself is taken up for final disposal at the admission stage.

3. The case of the petitioner is that he was appointed as Sub-Inspector / Executive in Central Industrial Security Force (CISF) through Staff Selection Commission (SSC) in the year 1995 and attended basic training at National Industrial Security Academy (NISA), Hyderabad, under the control of 1st respondent. Subsequently, he was promoted to the post of Inspector / Executive under the 4th respondent. Thereafter, the 4th respondent issued a charge memo dated 08.09.2010 under Rule 36 of CISF Rules, 2001 for various misconducts. The 4th respondent, being a disciplinary authority, conducted an enquiry and passed an exparte order, thereby he was imposed a punishment of dismissal from service on 10.05.2011, since the charges have been proved.

4. Aggrieved against the said dismissal order, the petitioner preferred W.P.No.24618 of 2011 before this Court. This Court, by an order dated 18.01.2018, interfered with the dismissal order on the ground that the extreme action was effected without following the principles of natural justice and concluded that the petitioner should be placed under suspension and he will be entitled to subsistence allowance as per the Service Regulations of CISF, which shall be continued till the final orders passed in this regard. This Court also found that since the petitioner did not work for the period from the date of dismissal of service till date, he is not entitled to backwages on the principle of 'no work no pay'.

5. Pursuant to the order of this Court dated 18.01.2018, the petitioner was reinstated into service and after conducting afresh enquiry, the disciplinary authority again awarded the same punishment of dismissal from service against the petitioner on 02.11.2018. Aggrieved against the order of dismissal dated 02.11.2018, the petitioner filed appeal petition before the 2nd respondent and the 2nd respondent also confirmed the order of dismissal. Aggrieved against the order of the appellate

Authority, the petitioner preferred a revision before the Revisional Authority. The revisional authority, by an order dated 17.06.2019 again confirmed the order of dismissal. Hence, the petitioner has come forward with the present writ petition with the aforesaid prayer.

6. Mr.S.Diwakar, learned CGSPC appearing on behalf of the respondents would submit that the petitioner was paid subsistence allowance after reinstatement into service.

7. It appears that the charges are serious in nature, as there was a loss of motor cycle and the petitioner was paid Rs.20,00,000/- towards subsistence allowance. Without getting any work from the petitioner, the Department has paid the said sum from the money of taxpayers. It is pertinent to note that the Revisional authority has given the following findings in the Revision Petition, while confirming the order of dismissal:

"Other pleas taken by the petitioner are baseless and not tenable as Inspector Exe) Kanwar Singh deposed that on receiving information about the missing of official Motor Cycle a search was conducted but it could not be found. The recovery of the cost of official vehicle does not mean that he is not liable for disciplinary action. Disciplinary action against the petitioner has been taken not only for the loss of Motor Cycle but also for other charges including the fact that he had lodged the Police complaint alleging involvement of Assistant Commandant and Inspectors as suspects without any evidence or justification and Sr.Commandant had also deposed that he had never written any letter in favour of the petitioner to the CGSC.

8. Admittedly, pursuant to the orders of this Court, he was reinstated into service and he was placed under suspension, by paying a sum of Rs.20,00,000/- as subsistence allowance without work. It is not in dispute that the charges against him were proved, after affording an opportunity of hearing to the petitioner and the cost of the official vehicle has also been recovered from him. Considering the overall circumstances, this Court is of the view that the petitioner will not be entitled to any relief sought for in this writ petition.

9. Hence, finding no merits in the writ petition, the same is dismissed as devoid of merits. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vum

To:

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Chengalpattu District,
Tamil Nadu - 603 102.

+lcc to Mr.S.Diwakar, Advocate SR.6335

W.P.No.2396 of 2021

CP(CO)
CB(05/03/2021)

सत्यमेव जयते

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