

22.08.2023
Court No.13
Item No.5
AP

**FMA 666 of 2015
With
IA No.: CAN 3 of 2018 (Old No.: CAN 908 of 2018)**

**Chhotelal Gurjar
Vs.
Union of India and Ors.**

Mr. Rajarshi Basu
Ms. Munmun Tewary

... For the Appellant.

Ms. Chandreyi Alam

... For the Union of India.

1. The appeal is directed against a judgement and order dated 28th January, 2014 passed by the learned Single Bench of this Court in WP 5390 (W) of 2003.

2. The brief facts of the case are that the appellant was a constable under the Central Industrial Security Force (CISF) in the SBP Camp located at Easter Coalfields Limited (ECL), Seetalpur.

3. On 18th January, 2001, the appellant is stated to have physically assaulted a fellow constable on duty by slapping on his face and beating him with lathi on his legs and belly. As a consequence of the appellant's action, the fellow constable sustained injuries on his face, belly and legs.

4. A disciplinary proceeding was instituted against the appellant by issuance of a charge sheet under the Rules of the Central Industrial Security Force Act, 1968. The disciplinary authority found the charges against the

appellant proved. The appellant preferred a statutory appeal before the appellate authority, which was rejected. A revisional application thereafter under the Central Industrial Security Force Act, 1968 was also rejected by the authorities. Thereafter the writ petition was filed challenging the entire departmental proceedings against the appellant.

5. This Court has carefully scrutinized the orders of the disciplinary authority, appellate authority and the revisional authority.

6. The only defence that the appellant took and that too, at a belated stage after five months of the incident, was that the victim was assaulted not by the appellant, but by certain miscreants, who had come to steal coal from the dumps at the ECL.

7. The respondent authorities as well as the Single Bench found that the defence of the appellant was an after thought and charges against the appellant were completely and sufficiently proved.

8. This Court finds that there is no violation of any of the procedural rules for conduct of enquiry under the Central Industrial Security Force Act, 1968. A full and complete opportunity was given to him to defend himself in the enquiry.

9. The impugned order imposing punishment of reduction in pay and increments for a certain period is

neither disproportionate to the charges against the appellant, nor unwarranted.

10. The CISF being a paramilitary force is required to maintain a higher standard of discipline. Such discipline is integral to the very functioning of the force. The force secures the industrial establishments of States and the Centre.

11. The only prayer advanced by counsel for the appellant before this Court is that the quantum of punishment may be reduced by this Court.

12. It is now a settled proposition of service jurisprudence that no interference is called for in respect of punishments in domestic proceedings against an employee unless the same is shockingly disproportionate to the charges proved against the employee.

13. This Court finds that there is absolutely no case made out by the appellant for interference with the punishment imposed on him. At the risk of repetition this Court finds that the punishment imposed on the appellant is commensurate with the charges proved against him.

14. The respondents have clarified before this Court that the order of punishment has been implemented. The stoppage of increments for the period mentioned in the punishment order has been completed and the increments to the appellant thereafter have been restored.

15. In view of the above, the impugned judgement calls for no interference.

16. Hence, FMA 666 of 2015 is dismissed.

17. In view of the dismissal of FMA 666 of 2015, connected pending application, if any, shall stand disposed of.

18. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)