



WP.No.10186/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.10186/2016

Ramesh Yadav

... Petitioner

Versus

- 1.The Union of India
rep.by its Director General,
CISF Headquarters, CGO Complex
Lodhi Road, New Delhi.
- 2.The Director General
CISF Headquarters,
No.13, CGO Complex
Lodhi Road, New Delhi 110 003.
- 3.The Inspector General
Central Industrial Security Force
South Sector Head Quarters,
Ch.P.T.Campus, Chennai 600 009.
- 4.The Deputy Inspector General
Central Industrial Security Force
South Zone Head Quarters, D-Wing
Rajaji Bhavan, Chennai 600 090.
- 5.The Group Commandant



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CISF, NISA Complex
Hakeempet, Hyderabad.

6.The Deputy Commandant
CISF Unit, STPP Simhadri
Visakhapatnam, A.P.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus Call for the records relating to the order passed by the 3rd respondent dated 04.09.2015 order No.V-15014/L&R/SS/Rev/ RY/2015-9740 confirming the order of the 4th respondent dated 19.02.2015 in his Appellate Order No.V-11014(1)/Appeal/ 03/RYSZ/(L&R)/ 2015-1393 confirming the final order dated 08.10.2014 order passed by the 5th respondent in his order No.V-15014/GrHy/F/O/HPCL/SG/14/Adm-4/14/4795 and quash the same and to direct the respondents to take the petitioner into the strength of CISF as Constable Fire and to pay all monetary benefits including MACP to the petitioner.

For Petitioner	:	Mr. A.S.Mujibur Rahman
For Respondents	:	Mr.P.R.Ramesh Babu Senior Standing Counsel

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to an order of the 3rd respondent,



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the Inspector General, Central Industrial Security Force [CISF], Chennai, dated 04.09.2015, by which order, the earlier order of the 4th respondent, Deputy Inspector General, CISF, Chennai dated 19.02.2015, had been confirmed and which two orders confirmed the earlier order of the 5th respondent, the Group Commandant, CISF, Hyderabad, dated 08.10.2014 and to quash all the aforementioned orders and to direct the respondents to take the petitioner back into the CISF as Constable Fire and pay all monetary benefits to the petitioner herein.

- (2) The petitioner, Ramesh Yadhav, had been appointed as Constable Fire on 22.07.2002 on completing the training at Hyderabad. He was then posted to CISF Unit at Sonebhadra in Uttar Pradesh. He was then posted to Korba in Chattisgarh. He then claimed that he had married another lady Constable by a registered marriage.
- (3) It would only be appropriate that in the course of this order, the name of the said Constable is not mentioned, since she is still in service. She would only be referred to as 'Constable'.



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- (4) The petitioner was then posted at CISF Unit at Arakkonam in Tamil Nadu and later, again at Korba in Chattisgarh. He also worked at Kudremukh, in Karnataka. The petitioner, at the time of filing of the writ petition, was working at Chennai. The respondents, on a preliminary enquiry, had issued a charge memo dated 23.06.2014 to the petitioner herein. He then submitted his explanation and sought personal enquiry. The charge memo was issued under Rule 36 of the CISF Rules. The crux of the charge was that the petitioner had already been married earlier to joining CISF and while in service in CISF, had contracted relationship with the Constable and had also married her and was also living with her. It is also stated during the course of arguments that through the first wife, he has a daughter and through the Constable, two other daughters were also born. Claiming that this is a serious misconduct and indiscipline and violation of their Rules, the charge memo had been issued to the petitioner herein.
- (5) The process was undergone by appointment of an Enquiry Officer and an enquiry was conducted. There is no ground claimed that opportunity was not given to the petitioner during the enquiry process.



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There is also no complaint that principles of natural justice were violated during enquiry process. It was the stand of the petitioner herein during the enquiry and also before this Court that he was having a live-in relationship with a lady earlier to joining of the CISF and had not actually married her and that he had only married the Constable. But, however this fact has been held not correct and to be actually false owing to the Forms which the petitioner herein had filled in at the time of joining of CISF. At that time, while making declarations about his family, he had declared that particular lady as his wife.

- (6) The learned counsel for the petitioner stated that, that particular Form was filled by the cousin of the petitioner and that the petitioner had only signed the said Form. But this does not take the petitioner anywhere since on the basis of the signature, a reasonable presumption can be drawn that the facts stated, particularly with respect to his personal life, are true. The petitioner has not come to Court or not taken up a stand before the Enquiry Officer that he was not aware of the contents of the Form and that he could not have read



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the contents of the Form and that, he is an illiterate and not able to read the Form. The petitioner is a literate and also knows English. In view of these facts and particularly in view of the fact that it was admitted that the petitioner was living with the Constable in her own Quarters in CISF, the charge was held proved.

- (7) Consistently, all the three officials mentioned above, namely, the respondents 5, 4 and 3 had confirmed the finding that the charge had been proved and had also imposed the punishment of removal from service. The learned counsel for the petitioner in his arguments, stressed the fact that the petitioner did not know the contents of the Form, which fact cannot be presumed to be true since, the Form had been submitted by the petitioner at the time of joining CISF and at no point thereafter, had he withdrawn any of the statements made therein. Therefore, he is bound by his signature to that particular Form which indicated that he had already married a lady prior to joining CISF and after joining CISF, had also contracted a marriage process through registration and also was living with the said Constable.



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(8) The facts being established, I do not find any reason to interfere with the findings of removal from service. The one clarification which this Court wanted was whether the Constable was proceeded against by the CISF since to a little extent, it can also be termed that she is also a victim in the entire issue. It is stated by the learned Standing counsel appearing for the respondents that the Constable had been exonerated of all charges though an enquiry was proceeded against her. The further aspect which this Court would call upon the respondents to find is if any amounts are due and payable to the petitioner even after the order of removal from service is passed, the said amounts may be forwarded to the first wife of the petitioner at her place and residence which would be of some help to her as she is a lady now deserted with her daughter and the petitioner does not appear to have any remorse over his conduct.

(9) In view of these reasons, the writ petition stands **dismissed**. The petitioner had been removed from service only owing to this particular fact of contracting another marriage and if the petitioner sets his house in order and also provides for the first wife, then reasonably the



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petitioner can apply for any other employment and hopefully, this fact
would not be held against the petitioner herein. No costs.

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Internet : Yes

To

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C.V.KARTHIKEYAN, J.,



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