



W.P.No.15411 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15411 of 2012

Srini Babu

... Petitioner

Vs

1. The Union of India,
represented by its Secretary to Government,
Secretary to Government,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
Central Industrial Security Force,
CGO Complex,
Lodhi Road,
New Delhi.
3. The Inspector General,
Central Industrial Security Force,
Southern Sector, Head Quarters,
Chennai-600 001.
4. The Deputy Inspector General,
Central Industrial Security Force,
Rajaji Bhawan, Besant Nagar,
Chennai-600 090.
5. The Commandant,
Central Industrial Security Force Unit,
Chennai Port Trust,
Chennai-600 009.

....Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the Order NO.V-15014/L&R/SS/Rev/RSB/2011-602 dated 22.12.2011 issued by the third respondent confirming the order passed by the fourth respondent in his letter No.V-11014/13/Disc/SS/2011/4626 dated 28.06.2011 confirming the order passed by the fifth respondent in his final order No.V-15014/Disc/Maj-RSB/2010/872, dated 15.03.2011 and quash the same and to direct the respondents to take the petitioner into the strength of CISF as Constable with all monetary benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.K.Gunasekar, SCGSC

ORDER

This writ petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Order NO.V-15014/L&R/SS/Rev/RSB/2011-602 dated 22.12.2011 issued by the third respondent confirming the order passed by the fourth respondent in his letter No.V-11014/13/Disc/SS/2011/4626 dated 28.06.2011 confirming the order passed by the fifth respondent in his final order No.V-15014/Disc/Maj-RSB/2010/872, dated 15.03.2011 and quash the same and to direct the respondents to take the petitioner into the strength of CISF as Constable with all monetary benefits.



2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The petitioner had joined in the Central Industrial Security Force (CISF) in the year 1988. While he was working in CISF, he was served with a charge memo with the following charges:-

“ARTICLE OF CHARGE-I

An act of gross misconduct breach of discipline on the part of No.884525055 Constable R.Srinu Babu, C'Coy of CISF unit, CHPT Chennai is that on 20.09.2010 at about 17.30 hrs. he went to the residence of L/SI/Exe Gopa Jana & HC/GD P.K.Jana residing at Qtr No. B-26 at DLB Colony Tondiarpet, Chennai and misbehaved with a minor aged about 10 years, namely Gargi Jana daughter of HC/GD P.K.Jana and SI/Exe Gopa Jana in the absence of her parents in the quarter. Thus the above act on the part of No.884525055 Constable R. Srinu Babu exhibits unbecoming conduct being a member of Armed Force. Hence, the charge.

ARTICLE OF CHARGE-II

An act of gross misconduct and breach of discipline of the Force in that No.884525055 Constable R.Srimu Babu. C' Coy of CISF unit CHPT Chennai had developed an irresistible and incorrigible attitude of committing acts of misconduct and indiscipline and failed to change his attitude and show improvement in his conduct in spite of being charge sheeted and penalized on six (06) earlier occasions during his service. This amounts to an act of gross misconduct and reprehensible attitude, which is unbecoming of a member of the Armed Force on the part of No.884525055 Constable R.Srinu Babu of CISF Unit, CHPT, Chennai. Hence, the charge.”



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4. Accordingly, he had misbehaved with a minor girl aged about ten years, in the absence of her parents in their quarters. After giving an opportunity to the petitioner to explain about the charges, without being satisfied with the explanations of the petitioner, enquiry was ordered. On the enquiry, both the charges were proved against the petitioner and he was imposed with the punishment of compulsory retirement from service. He had challenged the same by way of an appeal and the same was also rejected by the fourth respondent. Aggrieved by the same, the petitioner also preferred a revision and the same was also dismissed by the third respondent.

5. Therefore, once three statutory authorities considered the appeal as well as the revision, this Court cannot sit as an Appellate Authority to reverse the findings of the respondents. That apart, the punishment imposed on the petitioner is not disproportionate to the charges framed against the petitioner. If the petitioner had committed the said offence after enactment of POCSO Act, he would have been dismissed from service. Fortunately, the petitioner had escaped from the capital punishment.



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6. In view of the above, this Court finds no infirmity or illegality in the impugned orders passed by the respondents and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No Costs.

21.08.2023

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

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The Union of India,
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Ministry of Home Affairs,
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