



W.P.No.21188 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.21188 of 2013

A.Ravichandran

.. Petitioner

VS

1.Union of India,
rep. by its Director General of Police,
CRPF Hqr, C.G.O. Complex,
Lodhi Road,
New Delhi-110 003.

2.The Additional Director General of Police,
Southern Zone,
CRPF, Keshogiri,
Hyderabad (AP) Pin-500 005
Andhrapradesh.

3.The Inspector General of Police,
CRPF, Southern Sector,
Road No.10-C,
Jubilee Hills, New MLA/MPs Colony,
Gayatri Hills,
Hyderabad (AP) Pin-500 033.

4.The Dy. Inspector General of Police,
Group Centre, CRPF,
Avadi,
Chennai-600 065.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining to the orders of the fourth respondent vide order No.P.VIII-1/2010-EC-II dated 27.1.2012 which stands confirmed by the orders of the third, the second and the first respondent respectfully of appellate, revisionary and review authorities vide, order No.R.XIII-26/12-Adm-7, dated 14.07.2012, R.XIII-39/12-SZ-Legal, dated 31.12.2012 and No.R-XII-2012(2)-CRC, dated 20.05.2013 respectively and quash the same and consequent direction to the first respondent to promote him with restoration due seniority on par with my immediate junior with all attendant benefits.

For the Petitioner : Mr.R.Ananthababu
for Mr.J.Nagarajan

For the Respondents : Mr.M.Arvind Kumar
Sr. Central Govt. Panel
Counsel

ORDER

This writ petition is filed challenging the impugned order of punishment dated 27.1.2012, in and by which, the petitioner was imposed with the punishment of one increment cut without cumulative effect for a period of one year and the further orders of appellate, revisionary and review authorities dated 14.7.2012, 31.12.2012 and



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20.5.2013, in and by which, they confirmed the punishment.

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2.1. The case of the petitioner is that, admittedly, it was the cashier who was at fault and embezzled the money. The charge against the petitioner was that there was laxity of supervision. As a matter of fact, even the disciplinary authority has agreed that there was no motive or breach of trust or deceitful activity in which the petitioner was involved. Under these circumstances, the Court of Inquiry had directed the Disciplinary Authority to take disciplinary action against all the supervisory staff, however a discriminatory approach was adopted. While warning was issued in respect of the other employees who are similarly situated and were discharging supervisory duties, a punishment of one increment cut is imposed on the petitioner. Therefore, the entire action suffers from bias and is arbitrary.

2.2. Secondly, when as per the standing orders, further appeal and the revision are to be considered without any time lag and in any event have to be disposed of within a period of four months, the respondents took 18 months to dispose of the same and, in the



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meanwhile, not only the petitioner suffered the instant punishment, but on account thereof also lost further promotion and thereby prejudice is caused to the petitioner.

2.3. Thirdly, it is the contention of learned counsel for the petitioner that what is alleged is only laxity of supervision and when warning is imposed as a punishment in respect of similarly situated persons, the imposition of punishment of one increment cut for a period of one year is highly disproportionate. Therefore, it is prayed that this Court should interfere.

3. Per contra, learned counsel appearing on behalf of the respondents pointing out to the relevant portion of the counter-affidavit submits that considering the fact that there was only laxity, the punishment of increment cut, that too, without any cumulative effect is imposed as against the petitioner. When the Court of Enquiry has directed to take disciplinary action, it is for the Disciplinary Authority to apply its mind and, as a matter of fact, even the other staff were also given warning and there was no discrimination or bias on the part of the Disciplinary Authority. Only considering the part



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played by each individual, the decision is taken. The directive in the Standing Order to dispose of the appeal and the revision is for the effective and quick disposal of the disciplinary proceedings and any delay cannot be taken advantage by the delinquent official.

4. I have considered the submissions made on either side and perused the materials available on record.

5. As a matter of fact, in matters of disciplinary enquiry, the scope of judicial review is on the short compass as to whether or not there is any illegality or irregularity in the conduct of the disciplinary enquiry and whether a fair opportunity has been given to the delinquent employee and further if the punishment is shockingly disproportionate to the alleged delinquency.

6. In this case, the ground raised on behalf of the petitioner firstly is that there is bias and discrimination in respect of the initiation of the disciplinary proceedings. When the Disciplinary Authority has considered the role played by each and every supervisory staff and has decided to issue warning to the other supervisory staff and has



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decided to issue charge memo in respect of the petitioner considering his laxity of supervision in respect of the post which he was holding, no exception can be taken for the said subjective satisfaction of the Disciplinary Authority.

7. Secondly, the time limit for prosecution of the appeal is only directive in nature for the respondents to complete the proceedings at the earliest. Merely because the appellate order or the revisional order is passed beyond the time limit prescribed, it cannot be said that the same is illegal. The same would not vitiate the punishment imposed on the petitioner.

8. Thirdly, even though the petitioner may feel that the punishment is harsh as there was no motive or breach of trust or deceitful activity in which the petitioner was involved, this Court does not find that the punishment to be so disproportionate so as to shock the conscience of the Court, especially when the punishment imposed is only one increment cut without cumulative effect.



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9. Finding no merit in the writ petition, no relief can be granted to the petitioner. Accordingly, the writ petition is dismissed. No costs.

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Index : Yes/No
Neutral Citation : Yes/No
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To

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D.BHARATHA CHAKRAVARTHY,J.

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