



WEB COPY

W.P.No.8473 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.08.2023

Coram:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.8473 of 2016

A.Nageswara Rao

... Petitioner

Vs.

- 1.The Union of India,
rep. by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
- 2.The Director General,
Central Industrial Security Force Hqrs.,
No.13, C.G.O. Complex,
Lodhi Road, New Delhi – 110 003.
- 3.The Inspector General
Central Industrial Security Force,
South Sector, Head Quarters,
Chennai Port Trust Campus,
Chennai – 600 009.
- 4.The Deputy Inspector General,
South Zone, Rajaji Bhawan,
Besant Nagar, Chennai – 600 090.
- 5.The Senior Commandant,
Central Industrial Security Force Unit,
Vishakapattinam Steel Plant,
Vishakapattinam – 31.



6.The Deputy Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation,
Neyveli, Cuddalore District.

7.The Assistant Commandant,
Sector – IV,
Central Industrial Security Force Unit,
Vishakapattinam Steel Plant,
Vishakapattinam – 31.

.... Respondents

Prayer: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 4th respondent dated 11.07.2014 in his Order No.V-11014(1)/26/Rev/ANR/SZ/2014/4921 confirming the order of the 5th respondent dated 18.03.2014 in his Appellate Order No.V-11015/VSP/Disc/Minor-Appeal/ANR/2014/2568 confirming the order of the 7th respondent in his final order No.V-15015/CISF/VSP/AC/Sec-IV13856, dated 28.12.2013 and the order passed by the 5th respondent dated 10.06.2014 in his Office Memorandum No.E-15015/17/CISF/VSP/14/5456 and the order passed by the 6th respondent in his Office Memorandum No.E-3601/CISF/NLC/File/2015-6044 dated 04.09.2015 and quash the same and to direct the respondents to pay all benefits including MACP to the petitioner.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondent : Mr.P.R.Ramesh Babu

Central Government Standing Counsel



ORDER

This Writ Petition has been filed in the nature of a certiorarified mandamus seeking records relating to the order passed by the 4th respondent, Deputy Inspector General dated 11.07.2014 confirming the orders passed by respondent Nos. 5 to 7 in the appeals filed by the petitioner and quash the same.

2. The petitioner was working under the 7th respondent, namely, the Assistant Commandant, Central Industrial Security Force Unit, Vishakapattinam Steel Plant, Vishakapattinam. At that particular point of time, two constables by name Chandrakumar and Satvinder Singh were found driving a motorcycle in a drunken state. The local police had registered an FIR in that connection and the said information was passed on to the petitioner herein. The petitioner went over to the police station and took control over the two constables. Thereafter, a charge was levelled against the said two constables on the issue of drunken driving, holding it brought down the reputation of the Central Industrial Security Force.

3. In the departmental enquiry, the evidence of the petitioner was crucial. However, the petitioner in his evidence did not substantiate the charge of drunken driving but rather, according to the learned senior standing counsel for the respondents, turned 'hostile'. The petitioner for some reason appear to developed great affinity to those two constables rather than



upholding his duty to the uniform he wears. Consequent to the contradictory evidence given by the petitioner, the departmental enquiry against the said two constables could not be proceeded with, resulting the enquiry officer to return a finding that the charges were not proved.

4. Subsequently, owing to this particular act of turning hostile in a crucial enquiry conducted by the respondents, a charge memo was independently issued against the petitioner and an enquiry was conducted, wherein the charge was found proved and a punishment was imposed withholding one increment for a period of one year without cumulative effect. The appellate authorities consistently dismissed the appeals of the petitioner herein.

5. Learned counsel for the petitioner pointed out the Annual Confidential Reports of the petitioner herein, wherein the remarks with regard to conduct was recorded as 'good' till the year 2013 and thereafter, in the year 2014, it was recorded as 'below average', consequent to the fact that he had turned hostile and spoken against his own department in the charges against the two constables who were found drunken and driving a motorcycle.

6. Learned Standing Counsel for the respondents contended that the punishment imposed was only to withhold one increment for a period of one year without cumulative effect and from the year 2015 onwards, increments



had been granted and all monetary benefits had been paid to the petitioner.

Learned counsel for the petitioner confirms the aforesaid submission and states that the promotional aspects had not been interfered with by the respondents.

7. In light of the above, while dismissing this Writ Petition, the respondents are directed not to hold this particular charge against the petitioner herein in the future records of the petitioner and if he is otherwise eligible, grant him necessary promotion and other monetary benefits. It is made clear that though the charge should be on record, it should not be held against the petitioner herein. No costs.

22.08.2023

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No

sl

To

1.The Union of India,
rep. by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.

2.The Director General,
Central Industrial Security Force Hqrs.,
No.13, C.G.O. Complex,
Lodhi Road, New Delhi – 110 003.



W.P.No.8473 of 2016

C.V.KARTHIKEYAN,J.

sl

- 3.The Inspector General
Central Industrial Security Force,
South Sector, Head Quarters,
Chennai Port Trust Campus,
Chennai – 600 009.
- 4.The Deputy Inspector General,
South Zone, Rajaji Bhawan,
Besant Nagar, Chennai – 600 090.
- 5.The Senior Commandant,
Central Industrial Security Force Unit,
Vishakapattinam Steel Plant,
Vishakapattinam – 31.
- 6.The Deputy Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation,
Neyveli, Cuddalore District.
- 7.The Assistant Commandant,
Sector – IV,
Central Industrial Security Force Unit,
Vishakapattinam Steel Plant,
Vishakapattinam – 31.

W.P.No.8473 of 2016

22.08.2023