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W.A.No.1908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.No.1908 of 2023
and C.M.P.No.16409 of 2023

1.The Union of India represented by
its Secretary,
Ministry of Home Affairs, North Block,
Central Secretariat, New Delhi – 110 001.

2.The Director General,
CISF Headquarters, No.13, CGO Complex,
Lodhi Road, New Delhi – 110 003.

3.The Commandant, CISF Unit,
ASG Chennai, Chennai Airport,
Chennai – 600 027.

4.The Deputy Inspector General/AP-SZ,
CISF Headquarters, South Zone,
II Floor, D Block, First Floor,
Rajaji Bhavan, Chennai – 600 090.

5.The Inspector General/APS-II,
CISF, APS-II, Headquarters,
CISF Unit, ASG KIA, Bengaluru, Devanahalli,
North Bengaluru 560 300.

.. Appellants

Vs.



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Navpreet Singh,
S/o.Balwinder Singh,
Ranjit Avenue Colony,
Gali No.03, Ward No.14,
Hardochhani Road, Gurdaspur,
Gurdaspur District 143 521.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.06.2022 passed in W.P.No.6367 of 2020 on the file of this Court.

For Appellants : Mr.M.Karthikeyan

For Respondent : Mrs.Ramapriya Gopalakrishnan

JUDGMENT

[Judgement of the Court was delivered by R.MAHADEVAN, J.]

This writ appeal has been filed challenging the order dated 22.06.2022 passed by the learned Judge in W.P.No.6367 of 2020.

2.The facts of the case are that the respondent herein had joined as a Constable in the Central Industrial Security Force on 16.04.2012. On 04.05.2015, he was transferred to the CISF Unit Aviation Security Group at



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Trichy Airport, wherein he became a friend with a lady colleague by name Darshana Devi and they developed physical relationship. While so, she gave a complaint before the authorities against the respondent herein, based on which a case was registered and a charge memo was issued alleging that the respondent herein had relationship with the said lady by giving false assurance of marrying her. As per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, a Complaints Committee was constituted. The said Committee submitted the enquiry report holding that the charges against the respondent have been proved. Even though the respondent submitted his objections to the same, he was imposed with a penalty of removal from service vide order of the third appellant dated 21.01.2019. The appeal preferred by the respondent before the Deputy Inspector General, Airport, CISF and the revision petition before the Revisional Authority, were rejected. Challenging the same, the respondent herein filed a writ petition in W.P.No.6367 of 2020 and this Court passed an order setting aside the orders of the authorities impugned therein and also directing the Disciplinary Authority to consider the claim of the respondent afresh by giving opportunity to both parties and to pass



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appropriate orders within a specified time frame. The learned Judge also observed in the order impugned herein that the order of removal from service requires reconsideration by the authorities, based on the information furnished before the Court that the respondent married the said Darshana Devi on 22.02.2022, ie., after removal from service, and the marriage was also registered on 09.03.2022. Challenging the said observation of the learned Judge, the present appeal has been filed by the authorities.

3.The main grounds of attack made by the appellants in the affidavit filed are that the Complaints Committee conducted preliminary enquiry and established that there is a *prima facie* case against the respondent; that the allegations against the respondent herein relates to moral turpitude which were substantially proved by a detailed Departmental Enquiry; that the respondent deliberately compromised with the complainant Darshana Devi to avoid penal consequences and to escape from punishments awarded to him and hence, it will not in any way absolve the respondent from the wilful misconduct committed by him; and that the sexual harassment complaint against the respondent had gravely damaged the name and reputation of the



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Armed Forces. It is also stated in the grounds of appeal that the respondent was awarded the punishment of removal from service only after a careful consideration of the charges levelled against him and hence, the impugned order passed by the learned Judge has to be set aside.

4.However, during the course of argument, both the learned counsel for the appellants and the learned counsel for the respondent have agreed to modify the order of the learned Judge to the effect that the observation 'not to impose major punishment' alone shall be expunged.

5.In view of the above submission made by the learned counsel on either side, the observation of the learned Judge not to impose major punishment alone is expunged. In all other respects, the order of the learned Judge, remains unaltered. Consequently, the appellants are directed to consider the case of the respondent afresh, after affording an opportunity of being heard to all the connected parties and pass appropriate orders on merits and in accordance with law, without being influenced by any of the observations made by the learned Judge, within a period of eight weeks from the date of receipt of a copy of this judgment.



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6. Accordingly, the writ appeal stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]
27.07.2023

Index: Yes / No

Speaking order/ Non-speaking order

Neutral Citation: Yes / No

nsd

To

1. The Secretary, Union of India
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