

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23208 of 2012

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Munshi Prasad S/O Late Bindeshwar Prasad Resident Of Village and P.O. -
Tarari, P.S. Daudnagar, District - Gaya

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi
2. The Director General, Central Industrial Security Force Headquarter Ministry Of Home Affairs, Govt
3. The Inspector General, Central Industrial Security Force (EZ), Headquarters, Patna
4. The Deputy Inspector General, Central Industrial Security Force (EZ), Headquarters, Patna
5. The Deputy Inspector General, Central Industrial Security Force, Bokaro Steel City, Jharkhand
6. The Commandant, Central Industrial Security Force Unit Khstpp, Kahalgaon , P.O. - Deepti Nagar, District - Bhagalpur (Bihar)
7. The Assistant Commandant, Central Industrial Security Force Unit, KHSTPP Kahalgaon, P.O. - Deeptinagar, District- Bhagalpur (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. M.N. Singh, A.S.G.
Mr. Alok Kumar, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 01-07-2024 Heard the parties.

2. The petitioner has prayed for following relief(s) in
paragraph no. 1 of the writ petition:

"1. That the instant Writ petition is being filed for issuance of order / orders, Direction / Directions, Writ / Writs particularly in the Nature of CERTIORARI for quashing the letter No. E-37017/CISF/K.H.S./Adm (M.A.C.P.)/12/3398 dated 03.07.2012 issued under seal and Signature of the Assistant, Commandant, C.I.S.F. Unit K.H.S.T.P.P. Kahalgaon (Bhagalpur) (Respondent No6) whereby and whereunder the ACP already granted to the petitioner has been cancelled and the Grade Pay has been



reduced to Rupees 2400/- from Rs. 2800/- and accordingly the Salary of the petitioner has been revised with effect from 02.07.2002."

3. A counter affidavit has been filed on behalf of the respondent-Union of India stating therein that the petitioner was deployed in sensitive sectors such as Airports, Ports, Units of Department of Atomic Energy, Department of Space, Metro, Power and Steel and sometime in Internal Security Duties and Election Duties. The petitioner was required to maintain discipline and highest order. It was reported that while the petitioner was on regular posting to Central Industrial Security Force Unit, KHSTPP Kahalgaon, the petitioner was found guilty of charges after he faced the disciplinary proceeding and a punishment order was passed by recording in his Annual Confidential Record (ACR). The ACR of the petitioner for five consecutive years was not satisfactory and the Screening Committee for grant of 2nd M.A.C.P. found the petitioner not yet fit. A specific statement in this regard has been made in paragraphs no. 7 and 8 of the counter affidavit.

4. Considering the remarks in respect of the petitioner by the Screening Committee, I don't find that the petitioner deserves relief(s) as prayed for in the present writ petition considering the fact that the prescribed service condition for a



discipline service for constable posted in CISF do not call for the petitioner for financial upgradation. Even A.C.P. and M.A.C.P. rules do not provide benefit of granting financial upgradation even after prescribed period of service considering the fact that the petitioner was not fit for promotion. In case of persons, who have not found fit for promotion then financial progression as per the scheme of M.A.C.P. cannot be granted. Petitioner being in discipline force was expected of high degree of discipline and does not deserve the relief(s) as prayed for in the present writ petition.

5. Accordingly, the present writ petition is dismissed.

(Purnendu Singh, J)

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