



W.P.No.1395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM:

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

W.P.No.1395 of 2024
and W.M.P.No.1421 of 2024

Manjit Singh Rathore

... Petitioner

-Vs-

1. The Inspector General,
Central Industrial Security Force,
APS-II Head Quarters,
North Bengaluru,
Karnataka-562 157.
2. The Deputy Inspector General,
Central Industrial Security Force,
APSZ Head Quarters,
Rajaji Bhavan,
Besant Nagar,
Chennai-600 090.
3. The Senior Commandant,
Central Industrial Security Force Unit,
IGSTPP, Jharli,
Jhajjar District,
Haryana-124 106.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the first respondent dated 16.11.2023 in his order V-11014/APS-2/VVANI/Rev.(20/23)/MSR/2023/9536 confirming the orders of the second respondent dated 31.01.2023 in his order No.V-15014/CISF/ASG (Ch)/Disc/Appeal (MSR)/2022/870/E and confirming the order of 3rd respondent dated 02.07.2016 in his order No.V-15014/CISF/ASG (Ch)/Disc/MAJ-04/MSR/ /2016/2281 and quash the same and direct the respondents to pay all monetary and consequential service benefits to the petitioner.

For Petitioner : Mr.R.Thiyagarajan
For Respondents : Mr.V.Ashok Kumar
CGSC

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 16.11.2023, confirming the order passed by the second respondent dated 31.01.2023, thereby confirmed the order passed by the third respondent dated 02.07.2016, thereby imposed punishment of reduction of pay to the lowest stage of Rs.8560/-+ GP Rs.2800 in the pay band of Rs.5200-20200/-+GP Rs.2800/- for a period of three years with immediate effect with further direction that he will not earn



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increment of pay during the said period of reduction and on expiry of the said period the reduction will have the effect of postponing his future increments of pay.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner, while was serving under the third respondent in the year 2016, as a Sub Inspector in the unit of Aviation Security Group, was served with a charge memo consisting of two charges which are as follows:-

“ Article of Charge-I:-

CISF No.130405944 ASI/Exe Manjit Singh Rathore (under suspension) of CISF Unit, ASG Chennai was detailed for 'A' Shift duty at X-BIS No.1 in NIT SHA from 0500 hrs to 1200 hrs on 05.05.2016 at about 1016 hrs he left his duty post unauthorisedly without any competent orders from Senior Officers i.e. Floor in-charge X-BIS office and Shift In-charge (GO I/c). The above act on the part of No.130405944 AS/Exe Manjit Singh Rathore (under Suspension) tantamount to gross indiscipline, neglect of duty, Hence, the charge.



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Article of Charge-II:-

CISF No.130405944 ASI/Exe Manjit Singh Rathore (under suspension) of CISF Unit, ASG Chennai was detailed for 'A' Shift duty on 05.05.2016 from 0500 hrs to 1200 hrs at X-BIS No.1 in NIT SHA was found following a lady foreign pax with misguided intentions which is an unbecoming act on the part of ASI/Exe Manjit Singh Rathore being a member of the force. Hence the charge."

4. After submitting the explanation by the petitioner, the third respondent ordered for domestic enquiry and appointed an Enquiry Officer. The Enquiry Officer conducted an enquiry and submitted its report to the third respondent on 29.06.2016, thereby held both charges as proved. After giving opportunity to submit explanation from the petitioner, passed order thereby awarding punishment of reduction of pay to the lowest stage of Rs.8560/-+ GP Rs.2800 in the pay band of Rs.5200-20200/-+GP Rs.2800/- for a period of three years with immediate effect with further direction that he will not earn increment of pay during the said period of reduction and on expiry of the said period the reduction will have the effect of postponing his future increments of pay.



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5. Aggrieved by the same, the petitioner filed an appeal before the second respondent and after considering the explanation submitted by the petitioner and the enquiry report, the Appellate Authority enhanced the penalty to the effect that reduction of pay to the lowest stage of Rs.8560/- +GP Rs.2800 in the pay band of Rs.2800 in the pay band of Rs.5200-20200/- + GP Rs.2800/- for a period of five years with immediate effect with further reduction that he will not be earning increment of pay during the said period of reduction and on the expiry of the said period, the reduction will have the effect of postponing his future increments of pay. Once again, aggrieved by the same, the petitioner filed a revision before the first respondent. The first respondent, by an order dated 16.11.2023 confirmed the order passed by the Appellate Authority and rejected the revision submitted by the petitioner.

6. The petitioner raised grounds that though the disciplinary authority failed to produce any eye witnesses, materials, documents in order to prove the charges, the Enquiry Officer held the charges proved on perusal of CCTV footages, which is not proper on the part of the



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Enquiry Officer. Even then, without considering the facts, the disciplinary authority imposed punishment. In fact, when the Appellate Authority enhanced the punishment, the petitioner was not given any opportunity.

7. A perusal of the order passed by the Appellate Authority reveals that the petitioner was given an opportunity and only thereafter, the punishment was enhanced on the ground that the petitioner had committed very serious offence. He followed a foreign lady and misbehaved with her. Therefore, it is an unbecoming act on the side of the petitioner, being a member of the Force. During enquiry, the Enquiry Officer found that both the charges were proved based on the evidence adduced during the course of the departmental enquiry.

8. That apart, the Appellate Authority, after following the Rule 52(2)(c) of the CISF Rules, 2001, considered to enhance the penalty and thereby following the principles of natural justice, the petitioner was served with a show cause notice with an opportunity to submit his reply.



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The Appellate authority found that the enquiry was conducted as per the procedures laid down and reasonable opportunities were given to the petitioner to defend his case. No procedural impropriety has been noticed in the enquiry. In support of the charges, the disciplinary authority had examined P.Ws.1 to 4. They correlated each other and the petitioner failed to disprove the same, even after availing opportunity to cross examine them. Further, being a hyper sensitive Airport, leaving the duty point of his own volition without proper reliever or obtaining permission from the immediate superior or Floor in-charge is a serious negligence of duty and violation of the instructions. The petitioner ought to have followed the procedure before leaving the duty point.

9. That apart, a lady passenger lodged a complaint dated 05.05.2016, before the Manager, alleging that the petitioner misbehaved with her. He had followed the complainant without any reason and misbehaved with her to use the lift instead of escalator and went inside the lift and he misbehaved with her. Therefore, he had a malafide intention, due to which he accompanied the complainant when she was



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heading towards the lift. Therefore, the said act of the petitioner is a serious misconduct in nature which has tarnished the image of Force in public view. Hence, the appellate authority had rightly enhanced the punishment and the same has been rightly confirmed by the first respondent.

10. Therefore, this Court finds no infirmity or illegality in the 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. Consequently, connected Miscellaneous petition is closed. No costs.

23.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J.

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