



W.P.No.2994 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2994 of 2024

Naveen Yadav

...Petitioner

-Vs-

- 1.The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
- 2.The Group Commandant,
Central Industrial Security Force,
Group Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
3. The Senior Commandant,
Central Industrial Security Force Unit,
04th Reserve Battalion,
Sivagangai-630 301.
4. The Deputy Commandant,
Central Industrial Security Force,
UIDAI Aadhar Data Centre,
Bengaluru, Karnataka-560 092.

...Respondents



W.P.No.2994 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent dated 12.07.2023 in his Order No.V-15014/Rev,05/NY-UIDAI(B)/SZ-1/L&R/2023/5633 confirming the order of the 2nd respondent dated 21.12.2022 in his order No.15014/GHC/AD.VI/Appeal-04/NY-UIDAI (B)/2022/2366 confirming the order of the 4th respondent dated 14.09.2022 in his order No.V-11098/CISF/UIDAI(B)/PA/UR-37/22/6735 and quash the same and direct the respondents to provide all consequential service cum monetary benefits to the petitioner.

For petitioner : Mr.R.Thiyagarajan

For respondents : Mr.K.Srinivasamoorthy
Central Government Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 12.07.2023 thereby confirmed the order passed by the 2nd respondent dated 21.12.2022 thereby confirming the order passed the fourth respondent dated 14.09.2022 thereby imposed punishment of Pay fine equivalent to five days pay.



WEB COPY



W.P.No.2994 of 2024

2. The petitioner had joined in Central Industrial Security Force as Sub-Inspector on 22.02.2018. After completion of his probationary period he was transferred to UIDAI Aadhar Data Centre, Bengaluru on 01.11.2020. Thereafter, he was temporarily attached with CISF NISA, Hakimpet, Hyderabad for the purpose of administrative requirement. While being so, he was served with charge memo consisting the following charge :

"That on 26.07.2022 No.180100345 SI/Executive Naveen Yadav of CISF Unit UIDAI Bengaluru was detailed for "A" shift duty as Shift In-Charge. At about 1000hrs Ms.Amrutha Bharat Bokan and Ms.Shrutika Ajit Jadhav working as Associate consultant with HPE, UIDAI Bengaluru came to the main gate to get entry into the UIDAI Premises for duty. Ms.Shrutika Ajit Jadhav was allowed by CISF personnel to get entry into the UIDAI premises. While verifying the gate pass in respect of Ms.Amrutha Bharat Bokan SI/Exe Naveen Yadav took her mobile phone to check/verify the Aadhar number. But suddenly, SI/Exe Naveen Yadav made a call to his own/personal phone number (09911282826) from Ms.Amrutha Bharat Bokan's mobile phone without her permission/consent. Immediately she took her phone and disconnected the call. The screen shot exhibits submitted by Ms.Amrutha Bharat Bokan and Ms.Shrutika Ajit Jadhav has been corroborated with the Mobile phone of SI/Exe Naveen Yadav and the entry timing of Ms.Amrutha Bharat Bokan. On 27.07.2022 both Ms.Amrutha Bharat Bokan and Ms.Shrutika Ajit Jadhav informed the said fact to their Senior Shri Prudhvi Raghava and Management HR as well as CISF. Being a



W.P.No.2994 of 2024

WEB COPY

responsible Sub-Officer of the Disciplined Armed Force of the Union, the unwarranted act committed by SI/Exe Naveen Yadav has tarnished the image of the Force. The above act committed by SI/Exe Naveen Yadav is not conformity with the standards of CISF and is an unpardonable incident and tantamount to gross misconduct and severe indiscipline. Hence the Charge."

3. On receipt of the same the petitioner submitted his explanation.

However, without satisfying the same enquiry was ordered and the 4th respondent awarded the penalty of "Pay fine equivalent to five days pay" by proceedings dated 14.09.2022. Aggrieved by the same, the petitioner preferred appeal before the 2nd respondent and the same was also dismissed by confirming the order passed by the 4th respondent. Once again the petitioner preferred review before the first respondent and the same was also rejected.

4. The learned counsel for the petitioner would submit that the petitioner was not given any opportunity while enquiry under the rule 37(1) (b) of CISF Rules, 2001. Therefore it is clear violation of principles of natural justice.

5. On perusal of the records revealed that the petitioner was served with charge memo. On receipt of the same, the petitioner submitted



W.P.No.2994 of 2024

his explanation. Without satisfying with the same, the disciplinary authority ordered to conduct enquiry. The Enquiry Officer conducted enquiry. Before the enquiry officer, the petitioner appeared and he submitted his statement and also given opportunity to submit his documents. On perusal of the charge also revealed that suddenly the petitioner made a call to his own phone number from Ms.Amrutha Bharat Bokan's mobile phone without her permission or consent while checking Aadhar number is completely baseless. Further, on perusal of the reply submitted by the petitioner revealed that while checking the Aadhar number of Ms.Amrutha Bharat Bokan, the petitioner dialed his phone number on the dial pad of Ms.Amrutha Bharat Bokan's Mobile phone. He typed his own contact number on the dial pad of the complainant's mobile phone, only upon her request. The petitioner did not have any wrong intention is completely baseless. He himself admitted that he typed his mobile number in the dial pad of the complainant's mobile while on duty and the same was corroborated by exhibit i.e., screen shot submitted by the complainant as well as the entry register pertaining to the complainant.



W.P.No.2994 of 2024

WEB COPY

6. Therefore, the case of the petitioner was rightly rejected by the respondents. That apart, the punishment imposed on the petitioner is very meagre and therefore this court find no infirmity or illegality in the order passed by the respondents.

7. Therefore, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

12.02.2024

Index : Yes/No
Internet: Yes/No
gvn



W.P.No.2994 of 2024

WEB COPY To

1. The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
2. The Group Commandant,
Central Industrial Security Force,
Group Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
3. The Senior Commandant,
Central Industrial Security Force Unit,
04th Reserve Battalion,
Sivagangai-630 301.
4. The Deputy Commandant,
Central Industrial Security Force,
UIDAI Aadhar Data Centre,
Bengaluru, Karnataka-560 092.



WEB COPY



W.P.No.2994 of 2024

G.K.ILANTHIRAIYAN,J.
gvn

W.P.No.2994 of 2024

12.02.2024