



WEB COPY

W.P.No.5459 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.5459 of 2015

Kuldeep Yadav

... 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,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
- 3.The Inspector General,
Central Industrial Security Force,
South Sector, Head Quarters,
Near War Memorial,
Chennai-600009
- 4.The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhavan,
Besant Nagar,
Chennai-600090



W.P.No.5459 of 2014



5. The Deputy Commandant,
Central Industrial Security Force Unit,
NMPT Mangalore.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, call for the records relating to the final order passed by the 5th respondent in his order No.15014/CISF/GHC/AD.V/MAJ/NMPT/KY/2014/3781 dated 26.05.2014 and the revision petition filed by the petitioner against which the final order of the 5th respondent submitted to the 3rd respondent and subsequently the 3rd respondent returned the revision petition without considering the revision petition and same is communicated by the 5th respondent his his letter No.letter No.15014/CISF/NMPT/Disc/2014/2123 item No.1 in so far as concerned quash the same and to direct respondents to pay the all monetary benefits and seniority for the promotion to the petitioner.

[Prayer is amended as per order dated 10.06.2024 in W.M.P.No.6944 of 2024 in W.P.No.5459 by (PTAJ)]

For Petitioner : M/s.A.S.Mujibur Rahman

For Respondents :
(for R1 to R5) : M/s.Sangeetha



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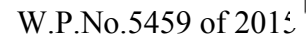
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ORDER

The above Writ Petition is filed challenging the disproportionate punishment being inflicted on the petitioner.

2. The charge against the petitioner is that during the surprise check carried out by the CISF, SZ, Headquarters Vigilance team on 10.02.2014, from 12:30 to 13.00 hrs, unaccounted money of Rs.200/- was found in the possession of the petitioner who had hidden it in his pen pocket of the left side sleeve of his uniform. After enquiry, the Disciplinary Authority had imposed a punishment of reduction of pay to a minimum stage of Rs.8,560/-, in the Pay Band -1 with Grade Pay - Rs.2,800/- for a period of five years with further direction that during the period of reduction, the petitioner would not earn any increment and on expiry of this period, the reduction would have the effect of postponing his future increments. It is also seen that the petitioner has subsequently preferred a revision before the 3rd respondent. However, the said revision was returned with the endorsement that the appeal was not filed within the stipulated time.



5. Accordingly, the Writ Petition stands disposed of quashing the order passed by the 5th respondent in his order No.15014/CISF/G



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HC/AD.V/MAJ/NMPT/KY/2014/3781 dated 26.05.2014 with a direction to the respondents to consider the matter afresh showing some leniency in the matter of awarding the punishment, within a period of 6 weeks from the date of receipt of a copy of this order, after giving due notice to the petitioner and affording him an opportunity to defend his case. No costs.

10.06.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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Rep by its Secretary to Government,
Ministry of Home Affairs,
New Delhi

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4. The Deputy Inspector General,
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P.T. ASHA. J.,

(shr)

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