



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.10272 of 2022

K.Kumar

... Petitioner

Vs.

1.The Deputy Inspector General,
Central Industrial Security Force Unit,
Bhilai Steel Plant, Durg -Thasil,
Chhattisgarh 490 026.

2.The Senior Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited (NLCIL),
Cuddalore 607 802.

3.The Deputy Commandant/Plant -2,
Central Industrial Security Force Unit,
Bhilai Steel Plant, Durg -Thasil,
Chhattisgar 490 026.

4.The Assistant Commandant/Plant-2,
Central Industrial Security Force Unit,
Bhilai Steel Plant, Durg – Thasil,
Chhattisgar 490 026.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to



the impugned order passed by the first respondent dated 15.07.2020 in his Order No.V-15014/Est-3/Revision-37/KUMAR/2020-8938 confirming the order of the second respondent dated 18.10.2019 in his order No.V-15014/NLC/Disc/Appeal-37/KK/2019/7768 confirming the order of the fourth respondent dated 31.05.2019 in his order Lr-CISF/BSP/PLANT-2/K KUMAR/ Rule-37/2019-346 and quash the same and to direct the respondents to provide all consequential service cum monetary benefits.

For Petitioner : Mr.R.Thiyagarajan

For Respondents : Mr.N.Ramesh, Standing Counsel

ORDER

This Writ Petition has been filed for quashment of the impugned order passed by the first respondent dated 15.07.2020 in his Order No.V-15014/Est-3/Revision-37/KUMAR/2020-8938 by confirming the order of the second respondent dated 18.10.2019 in his order No.V-15014/NLC/Disc/Appeal-37/KK/2019/7768 and also confirming the order of the fourth respondent dated 31.05.2019 in his order Lr-CISF/BSP/PLANT-2/K KUMAR/ Rule-37/2019-346 and to direct the respondents to provide all consequential service cum monetary benefits.

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



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3. The learned counsel for the petitioner submitted that the petitioner was initially appointed as Sub Inspector in Central Industrial Security Force Unit (CSIF) and he has served in various CISF Units. When the petitioner was posted at CSIF Unit BSP Bhilai as contingent in-charge of Nandini Mines of CISF Unit, BSP Bhilai, an incident of fire occurred in crushing plant on Nandini Mines of BSP Bhilai which resulted about 210 meters of conveyor belt got burnt. Immediately, the petitioner reached the spot and investigated about the incident with the in-charge of A & C shift. Thereafter, the petitioner conveyed the information of the said incident to higher officials and the in-charges were gave OK report to the petitioner on the day of fire incident. There is no lacking supervision arose on the part of the petitioner. Despite the above, the third respondent issued a charge memo and the fourth respondent awarded a fine of three days pay. Aggrieved by the same, the petitioner preferred an appeal before the second respondent and the same was rejected and thereafter, revision petition was also rejected by the first respondent. Against which, the present petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents submitted that as an in-charge of the Nandini Mines and Sub



Officer of the Force, the petitioner has not taken his duty seriously and failed to supervise the personnel who were deployed on duty under his supervision.

The act committed by the petitioner comes under serious negligence towards his duty which caused great damage to the plant property.

5. Considering the facts and circumstances of the case and the submissions made by the learned Additional Government Pleader, this Court is of the opinion that for an act of negligence on the part of the petitioner, a minor punishment has been awarded to the petitioner and the punishment is a fine equal to three (03) days pay. It is a very minor punishment and is in consonance with the act of commission or omission conducted by the petitioner while performing his duty in the plant. It is a deterrent theory of punishment.

6. Therefore, this Court is not inclined to interfere with the impugned orders passed by the respondents. Accordingly, this Writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

23.08.2024

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Index : Yes / No

Speaking order / Non-speaking order



To

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1. The Assistant Director,
Local Fund and Audit,
Integrated Audit Buildings,
4th Floor, Nandanam,
Chennai 600 035.
2. The Commissioner,
Jayamkondam Municipality,
Ariyalur District.

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VIVEK KUMAR SINGH, J.

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