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W.P.No.18675/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.18675 of 2021
and W.M.P.No.19926 of 2021

Adrash Kumar Mishra

...

Petitioner

/vs/

1. The Inspector General,
Central Institute Security Force,
South Sector, Head Quarters,
New War Memorial,
Chennai – 600 009.
2. The Deputy Inspector General,
Central Institute Security Force,
South Zone, Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.
3. The Group Commandant,
C.I.S.F. Group Headquarters,
C-2, Kendriya Bhavan,
Kakkanad,
Cochin – 682 030.
4. The Deputy Commandant,
Central Industrial Security Force Unit,
Cochin Port Trust,
Cochin – 682 003.

... Respondents



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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 07.01.2021 in his order No.V-15016/CISF/SS/L&R/AKM/Rev/2021/412 confirming the order of the second respondent dated 20.09.2019 in his order No.V-11014(1)/Appeal-10/AKM-CPT (C) /SZ/L&R/2019-7678 confirming the order of the third respondent dated 01.05.2019 in his order No.15014/GHC/Disc/Maj-CPT/AKM/2019/3539 quash the same and direct the 1 to 4 respondents to take the petitioner into the strength of the CISF with all consequential service cum monetary benefits.

For Petitioner ... Mr.R.Thiyagarajan

For Respondents ... Ms.P.J.Anitha, CGSC for R1 to R4

ORDER

The petitioner who was imposed with the punishment of dismissal of service has filed this writ petition challenging the order passed by the first respondent dated 07.01.2021 in order No.V-15016/ CISF / SS / L&R/ AKM/ Rev/ 2021/ 412 and direct the respondents 1 to 4 to take the petitioner into the strength of the CISF with all consequential service cum



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monetary benefits.

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2. The petitioner who was working as a Constable in Central Industrial Security Force (hereinafter referred as “CISF”) was given with the charge memo dated 07.02.2018 with certain charges. The Enquiry Officer was appointed and the enquiry report was submitted and the charges framed against the petitioner have been proved. For the proved charges, the third respondent / Disciplinary Authority has imposed a major punishment of dismissal of service on 01.05.2019. The petitioner challenged the same by way of preferring an appeal before the second respondent / Appellate Authority and the same was rejected on 20.09.2019. The petitioner have filed a revision before the first respondent / Revisional Authority and that was also rejected on 07.01.2021. Aggrieved over which the present petition has been filed.

3. Mr.R.Thiyagarajan, the learned counsel for the petitioner, submitted that the petitioner did not involve in grave misconduct like misappropriation or illegal gratification or moral turpitude; hence the capital punishment of removal of service is disproportionate to the proved



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charges; the order of dismissal has been passed without considering the short service, age and other factors; the petitioner being a member of Central Police Force ought to have been given with proper counseling and medical treatment for de-addiction.

4. The fact that the petitioner was given proper opportunity and the enquiry was conducted by the Enquiry Officer in a fair and proper manner cannot be denied. The Enquiry Officer has filed a report after considering the materials available on record and after giving due opportunity to the petitioner at the time of enquiry. The disciplinary authority has also given notice in order to enable the petitioner to file his written statement before the punishment was imposed on him. Even on the grounds, the petitioner has not stated anything about the denial of fair opportunity at the time of enquiry.

5. On perusal of the order of the third respondent it is seen that he has thoroughly considered the enquiry report along with the written submissions made by the petitioner in the matter of punishment and had



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chosen to impose the punishment of 'dismissal of service' as a fitting one.

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6. The petitioner was proved with the charges of threatening and abusing seniors, disobeying their orders, creating panic attention, creating nuisance under the influence of alcoholic substance. One of the grounds raised by the petitioner is that even if the petitioner is presumed to be Alcoholic, he ought to have been given with medical treatment for alcohol and drug addiction and he should not have been terminated from service. It is very difficult to comprehend that the petitioner who has to conduct himself in a responsible and disciplined manner in a disciplined service expects his employer to give him de-addiction treatment and then keep him in service. The petitioner was a habitual alcoholic and on the same allegations earlier charges for misconduct and indiscipline have been proved for which he has been imposed with six penalties.

7. The Central Armed Police force like 'CISF' is expected to maintain the high degree of discipline and decorum. The petitioner who conducted himself in a questionable manner by consuming alcohol and threatened his colleague and disobeyed his superiors, would only pose a threat to his unit.



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In fact in one of the charges it is alleged that after drawing Arms and ammunition from the unit armory for duty, the petitioner threatened the shift in-charge with dire consequences and he also removed his uniform shirt and belt and cap, threatened and abused the Inspector of Armory in Supervision with unparliamentary words. Further the petitioner was found to be under the influence of alcohol during the trial.

8. He had exhibited same conduct during eight previous occasion and imposed with six penalties. Repeating the same conduct without realising the necessity to conduct in a responsible manner in a responsible service cannot be tolerated in a department like armed police force. By consuming alcohol and being addicted to it, the petitioner not only harmed himself but his family as well. Despite he exhibited same conduct on previous occasions, lesser punishment was imposed on him. It might be in consideration of his family situation and short service. But the petitioner keeps on reporting the same conduct and he undermines the image of CISF. Hence I feel this not a fit case to be considered for any relief as sought by the petitioner. Even though the charges proved against the petitioner are not misappropriation or illegal gratification, the proved charges are still very



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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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R.N.MANJULA ,J.

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