



W.P.No.18680/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.18680 of 2021

B.Jagadeswar Reddy

...

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,
D-Block, Rajaji Bhavan,
Besant Nagar, Chennai – 600 090.
4. The Commandant,
Central Industrial Security Force Unit,
MBPT, Yentra Bhavan,
Mumbai – 400 001.
5. The Deputy Commandant,



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Central Industrial Security Force Unit,
NMPT, Mangalore,
Mangalore – 575 010.

... Respondents

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 07.04.2021 in his order No.V-15016/CISF/SS/L&R/BJR/Rev/2021/5298 modifying the orders of the second respondent dated 13.11.2020 in his order No.V-15014(1)/Appeal-18/BJR-NMPT (M) /SZ-I/L&R/2020-6315 and the order of the third respondent dated 26.05.2014 in his order No.V-15014/CISF/GHC/AD.V/MAJ/NMPT/BJR/2014/3782 quash the same and direct the respondents to pay all monetary and consequential service benefits.

For Petitioner ... Mr.R.Thiyagarajan

For Respondents ... Ms.P.J.Anitha, CGSC for R1 to R5

ORDER

The petitioner has filed this writ petition challenging the order passed by the first respondent dated 07.04.2021 in his order No.V-15016/CISF/SS/L&R/BJR/Rev/2021/5298 modifying the orders of the second respondent dated 13.11.2020 in Order No.V-15014(1)/Appeal-18/BJR-NMPT (M) /SZ-I/L&R/2020-6315 and the order of the third respondent dated 26.05.2014 in his order No.V-



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15014/CISF/GHC/AD.V/MAJ/NMPT/BJR/2014/3782 and direct the respondents to pay all monetary and consequential service benefits.

2. While the petitioner was working with the fourth respondent he was served with the charge memorandum under Rule-36 of CISF Rules, 2001 on 24.02.2014 for certain charges. Enquiry has been conducted after giving opportunity to the petitioner to submit his explanation and at the conclusion of the enquiry, the petitioner was found to be guilty for the charges levelled against him. The third respondent / disciplinary authority had accepted the report of the Enquiry Officer and had chosen to impose the punishment of reduction of pay to a minimum stage of Rs.7,510/- in the pay band-1 with grade pay Rs.2,400/- for a period of five years with further direction and during the period of reduction the petitioner would not earn any increment and on expiry of period, the reduction would have the effect of postponing the future increment. The appeal filed by the petitioner was rejected by confirming the order of the disciplinary authority.

3. Mr.R.Thiyagarajan, the learned counsel for the petitioner, submitted that the punishment imposed is grossly disproportionate to the charges levelled against the petitioner; the enquiry report has been



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submitted based on the mere probabilities and not on concrete evidence; in the allegations of illegal gratification, the charges against the petitioner were proved beyond doubt; the vigilance team of the Central Industrial Security Force failed to arrest the other culprits but the petitioner alone was illegally punished.

4. Ms.P.J.Anitha, the learned Central Government Standing Counsel for the respondents, submitted that during the surprise check carried out by the vigilance team of CISF, Z headquarters, Chennai from 10.02.2014 at 12.30 hrs to 13.00 hrs, the petitioner was found in possession of unaccounted amount of Rs.230/- in various denominations and he threw it the ground of Morcha on seeing the vigilance team; the money was seized and the petitioner was framed with the above charges and in the end of the enquiry, the charges against the petitioner were also found to be proved.

5. No criminal case has been registered against the petitioner on the allegation that he had received illegal gratification. No doubt the delinquency for which the petitioner was charged is serious in nature and it is an unbecoming act for a disciplined force like Central Industrial Security



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Force (CISF). It is claimed by the petitioner that none of the witnesses stated that they had seen the petitioner getting illegal gratification from any one. The petitioner was in possession of sum of Rs.230/-. Since the sum of Rs.230/- is meagre, it cannot be strictly presumed that it is an illegal gratification except on some assumptions or presumptions. However the petitioner ought not to have thrown the money on seeing the Vigilance Team but he should have given the accounts for the same.

6. The petitioner's past conduct has not been taken into consideration while imposing the punishment of five years stoppage of increment. On seeing the Vigilance Team the petitioner would have thought that he would be made answerable to the money he possessed and there is a possibility that the petitioner had thrown away the money for the said reason.

7. There was no evidence on record to show that the petitioner was collecting money from anyone. The only evidence against the petitioner is that he had disclosed the possession of Rs.230/- in the pocket money declaration register. So the petitioner is accountable for the extra money which he omitted to do so to the satisfaction of the authorities concerned. However the petitioner has rendered 17 years of unblemished service and



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hence in the matter of punishment a little leniency can be shown.

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8. By taking into consideration of the other circumstances and in the absence of any eye witness who had seen the petitioner collecting money as illegal gratification from anyone, the respondents can show some leniency in the matter of punishment.

9. In view of the above stated reasons, I feel it is appropriate to direct the first respondent to reconsider the quantum of punishment to commensurate with the charges proved.

10. Accordingly, this writ petition is disposed and the order passed by the first respondent dated 07.04.2021 in his order No.V-15016/CISF/SS/L&R/BJR/Rev/2021/5298 is hereby quashed and the first respondent is directed to consider the matter afresh in the light of the above observations and pass an order afresh by showing some leniency in the matter of punishment, within a period of six weeks from the date of receipt of copy of this order. No costs.



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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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To:

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