



WEB COPY



W.P.No.18722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18722 of 2024

and

W.M.P. No. 20539 of 2024

Birender Singh

... Petitioner

Vs

1. The Additional Director General (South),
CISF Kharghar Campus,
Central Industrial Security Force,
Sector – 35,
Navi Mumbai – 410 210.

2. The Inspector General,
South Sector Head Quarters,
Central Industrial Security Force,
Chennai – 600 009.

3. The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.

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

... Respondents



W.P.No.18722 of 2024

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent dated 27.03.2024 in his Order No. V-15014/ADG (S) / Rep. BS / 04 / 2024 – 81 confirming the order of the second respondent dated 30.09.2016 in his order No. V-15014/CISF/SS/L&R/Rev/BS/2016/11538 confirming the order of the third respondent dated 26/19.02.2016 in his Order No. V-15014/CIF/NLC/Disc/Appeal-36/BS/2015/1303 confirming the order of the fourth respondent dated 12.01.2016 No. V-15014/CSIF/NLC/Disc/Major-(10)/BS/2015/269 and quash the same and direct the respondents to take the petitioner into the strength of the CISF service with all consequential service cum monetary benefits.

For Petitioner : Mr. R.Thiyagarajan

For Respondents : Mrs. P.J.Anitha,
Central Government Standing Counsel

O R D E R

The Writ Petition has been filed challenging the order passed by the first respondent dated 27.03.2024 in Order No. V-15014/ADG (S)/Rep. BS/04/2024-81, which confirmed the order of the second respondent dated 30.09.2016 in Order No. V-15014/CISF/SS/L&R/Rev/BS/2016/11538,



W.P.No.18722 of 2024

WEB COPY

which in turn confirmed the order of the third respondent dated 19.02.2016 in Order No. V-15014/CIF/NLC/Disc/Appeal-36/BS/2015/1303, which confirmed the order of the fourth respondent dated 12.01.2016 No. V-15014/CSIF/NLC/Disc/Major-(10)/BS/2015/269, and to quash the same and direct the respondents to take the petitioner into the strength of the CISF service with all consequential service-cum-monetary benefits.

2. The petitioner had joined the Central Industrial Security Force as Constable/GD on 02.02.2013. While that was so, the petitioner was issued a charge memorandum under Rule 36 of CISF Rules on 23.04.2015, consisting of the following charge:-

“ARTICLE OF CHARGE-I

*No. 130600822 Constable/Gd Birender Singh,
CISF Unit NLC Neyveli is charged with gross negligence
and dereliction of duty in what while he was detailed 'C'
shift duty from 2100 hourse on 28.01.2015 to 0500 hours on
29.01.2015 at EPL – 54 to EPL – 64 (D2/Booster area)
Mine – II, NLC Neyveli, one culprit namely Kottan @ Ragu,*



W.P.No.18722 of 2024

aged about 24 years was apprehended at EPL – 54 to EPL – 64 Mine – II, at about 2330 hours on 28.01.2015, with the assistance of on duty CISF personnel. Constable/GD Birender Singh utterly failed to take legal action on the said apprehended culprit and used force on him along with other on duty CISF personnel. The said culprit was found dead near Kolangudi Village located adjacent to Mine-II NLC at about 0930 hours on 29.01.2015. His said act amounts to gross negligence, dereliction of duty and brought bad name to CISF. Hence, the charge.”

3. After receipt of the explanation submitted by the petitioner, an Enquiry Officer was appointed, and the Enquiry Officer held that the charges were proved. Pursuant to the same, the petitioner was directed to submit an explanation for the second show cause notice, and on receipt of the same, the Disciplinary Authority awarded the punishment of removal from service by order dated 12.01.2016. Aggrieved by the same, the petitioner filed an appeal before the third respondent, which was also



W.P.No.18722 of 2024

dismissed by order dated 19.02.2016. Once again, the petitioner filed a Revision Petition before the second respondent against the order passed by the third respondent, which was also dismissed by order dated 30.09.2016. Aggrieved by the same, the petitioner filed an appeal before the first respondent against the order passed by the second respondent, which was also dismissed by order dated 27.03.2024. Thus, the petitioner exhausted all appeals against the original order. In the Meanwhile, a criminal case was registered against the petitioner in Crime No. 18 of 2015 for offences under Sections 302 and 201 of IPC, which ended in acquittal. Therefore, the petitioner submitted a representation, which was rejected, and aggrieved by the same, the present Writ Petition has been filed.

4. Even before the said criminal case, the petitioner was imposed with the penalty of removal from service and the same was also confirmed by the three authorities. In view of the above, this Court finds no infirmity or illegality in the orders passed by the respondents, and this Writ Petition is devoid of merits and is liable to be dismissed.



W.P.No.18722 of 2024

WEB COPY

5. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.07.2024

Index: Yes/No
Neutral Citation/Yes/No
kv

To

1. The Additional Director General (South),
CISF Kharghar Campus,
Central Industrial Security Force,
Sector – 35,
Navi Mumbai – 410 210.
2. The Inspector General,
South Sector Head Quarters,
Central Industrial Security Force,
Chennai – 600 009.
3. The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.
4. The Senior Commandant,
Central Industrial Security Force Unit,

6/8



W.P.No.18722 of 2024

WEB COPY Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.



WEB COPY



W.P.No.18722 of 2024

G.K.ILANTHIRAIYAN, J.

kv

W.P.No.18722 of 2024

16.07.2024