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W.P.No.20814 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.20814 of 2021

M.Sathish Kumar

... Petitioner

Vs.

- 1.The Inspector General,
Central Industrial Security Force,
South Sector, Head Quarters,
New War Memorial,
Chennai 600 009.
- 2.The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore 607 802.
- 3.The Senior Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore 607 802.
- 4.The Senior Commandant,
Central Industrial Security Force Unit,
VSP, Visakhapatnam,
Andhra Pradesh 530 031.

... 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 18.01.2019 in his Order No.V-15016/CISF/SS/L&R/Rev/SK/01/2019-706 confirming the order of the second respondent dated 28.08.2013 in his order No.V-15014/CISF/NLC/Disc/Appeal-36/MSK/2013/8815 confirming the order of the third respondent dated 15.06.2013 in his order No.V-15014/CISF/NLC/Disc/Maj/MSK/2013/6105 and quash the same and direct the third respondents to provide all consequential service cum monetary benefits.

For Petitioner : Mr.R.Thiyagarajan

For Respondents : Mr.M.Soundar Vijay Arul Ram,
ACGSC

ORDER

This Writ Petition has been filed by the petitioner for quashment of the impugned order passed by the first respondent dated 18.01.2019 in his Order No.V-15016/CISF/SS/L&R/Rev/SK/01/2019-706 by confirming the order of the second respondent dated 28.08.2013 in his order No.V-15014/CISF/NLC/Disc/Appeal-36/MSK/2013/8815 and the order of the third respondent dated 15.06.2013 in his order No.V-15014/CISF/NLC/Disc/Maj/MSK/2013/6105 and to direct the third respondents to provide all consequential service cum monetary benefits.



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

3. The petitioner was initially serving as Head Constable under the fourth respondent and thereafter he is working under the third respondent. While so, when the petitioner was proceeding to his duty at Chennai, the hand baggage of the petitioner where the Demand Drafts & official documents kept were stolen by the thieves. Thereafter, the petitioner gave a complaint before the jurisdictional police and also informed the same to the third respondent. For which, the third respondent had issued a charge memorandum on 02.03.2013 under Rule 36 of CISF Rules and the same was proved against the petitioner by the enquiry officer. The third respondent had also awarded penalty of reduction of pay for a period of two years. Thereafter, the petitioner has preferred a revision before the first respondent and the same was rejected. Against the order of the first respondent, the petitioner has filed the present petition.

4. The learned counsel for the petitioner submitted that the third respondent has not properly considered the reply of the petitioner against the



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charge memorandum and passed the final order on 15.06.2013 and awarded the punishment of reduction of pay for a period of two years. He further submitted that aggrieved by the order of the third respondent, the petitioner has preferred an appeal before the second respondent within the stipulated time and the same was rejected by the second respondent. Due to lack of knowledge of the statutory procedures, the petitioner has preferred the revision petition with a delay of 5 years.

5. The learned Additional Central Government Standing Counsel for the respondents submitted that after a lapse of five years, the petitioner has preferred a revision petition and the same was rightly rejected by the first respondent as time barred. The petitioner, who is serving in a Disciplined Force was negligent in duty and pleading ignorance of his act that too after completing more than 13 years of service in CISF, is unjustifiable.

6. In support of his contentions, he relied on the various decisions of the High Courts and also the judgments of the Hon'ble Supreme Court and the said judgments are as follows:



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(i) Civil Appeal No.6514 of 1997 dated 19.09.1997 passed by the Hon'ble Supreme Court.

(ii) S.L.P.No.8077 of 2006 dated 15.01.2007 passed by the Hon'ble Supreme Court.

(iii) W.P.No.7716 of 2011 dated 22.12.2011 passed by the Delhi High Court.

(iv) Civil Appeal No.6974 of 2013 dated 22.08.2013 passed by the Hon'ble Supreme Court.

(v) M.P.No.1 of 2015 in CMA.No.10042 of 2015 dated 08.04.2015 passed by this Court.

(vi) First Appeal No.11378 of 2012 dated 02.12.2015 passed by the High Court of Karnataka.

(vii) Civil Writ Petition No.6136 of 2019 dated 03.07.2019 passed by the High Court of Delhi.

7.On perusal of the records, it reveals that after a lapse of five years, the petitioner has preferred a revision petition. As per the judgments and orders passed by the various High Courts and the Hon'ble Supreme Court, these petitions are rejected on the ground of delay and laches.



8. Considering the submissions made by the learned counsel on either side and in the light of various decisions of the Hon'ble Supreme Court and High Courts, this Court finds no merits in this petition and hence, the same is dismissed. No costs.

05.09.2024

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Index : Yes / No

Speaking order / Non-speaking order

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