



WA(MD). No.261 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10/04/2024

CORAM

**The Hon`ble Mr.Justice N.SESHASAYEE
and
The Hon`ble Mr.Justice P.VADAMALAI**

WA(MD). No.261 of 2017
and CMP(MD) No.12176/2017

John Peter

... Appellant

Vs

- 1.The Union of India
Rep. by its Secretary to Government
Ministry of Home Affairs,
New Delhi
- 2.The Director General
Central Industrial Security Force,
CGO Complex, Lodhi Road
New Delhi 110 003.
- 3.The Inspector General
Central Industrial Security Force,
South Sector
Near War Memorial, Chennai.
- 4.The Deputy Inspector General
Central Industrial Security Force,
DOS Head Quarters,
Bangalore 560094



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3. The appellant was a Constable in CISF and that on 14.04.2014, he was working as a salesman in the Police Canteen, CISF Unit at IPRC, Mahendragiri. Allegation against him was that on 14.04.2014, at about 14 hrs., he had allowed shifting of four cartons of goods of CISF canteen in a private transport carrier to be shifted to certain Mathi Stores at Valliyoor. On a tip-off, it was intercepted and it soon landed the appellant in a domestic enquiry initiated against him. In the enquiry, he faced three specific charges. The first one relates to shifting the goods belonging to the CISF canteen to the private stores, followed by an accusation that he had not maintained the canteen records properly and lastly that he had made certain variations in the stock balance based on certain specific invoices. After complying with the principles of natural justice, the enquiry officer submitted his report dated 20.07.2015, wherein, he observed that the delinquent in line of the charges mentioned above and found him guilty of the alleged misconduct vis-a-vis the first two charges. A copy of the enquiry report was served on the appellant and after hearing his objections on the same, the 5th respondent imposed a punishment of reduction of his salary for five years with cumulative



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effect. The appellant futilely challenged the same before the 4th respondent, the appellate authority as well as the third respondent, the revisional authority.

4. In these circumstances, the appellant has approached this Court with W.P.(MD) No.1271/2017 and the learned Single Judge, in his order, dated 02.02.2017, declined to interfere with the same, essentially on the ground that the scope of judicial review in matters of departmental enquiry is far too limited. This order of the learned Single Judge is now under challenge in this writ appeal.

5. Heard both sides.

6. The learned counsel for the appellant argued that the enquiry officer has not appreciated the evidence of the 14 witnesses, who had deposed against the appellant and had come to a wrong conclusion. He also added that at any rate, the punishment imposed on the appellant is harsh, since the appellant had a blemishless career otherwise. He added that the appellant has since superannuated.



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7. Per contra, the learned Deputy Solicitor General of India submitted that in his explanation to the charge memo served on the appellant, he had not chosen to deny pointedly the specific accusation made against him. All he would say is that such act will not constitute any misconduct or moral turpitude, and no more. In effect, the appellant had more or less conceded the allegations levelled against him and hence, the respondents have taken a lineal view in slapping a penalty of reduction of salary for five years with cumulative effect. He further argued that the nature of responsibility, which the appellant was entrusted with requires utmost integrity and uprightness, whether the same is proved to have been compromised and the same cannot be leniently dealt with. At any rate, the scope of judicial review in matters of disciplinary enquiry is limited and even the punishment imposed on the appellant, vis-a-vis, the charges that he faced cannot be stated to be disproportionate.

8. This Court perused the papers and is satisfied that the order of the learned Single Judge does not warrant an interference.



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9. As has been correctly pointed out by the learned Single Judge, this Court cannot revisit the enquiry report as an appellate authority and if that is so, then this Court necessarily has to accept the finding on facts by the disciplinary authority as well as by the appellate authority as true and if the allegations are as they are and if they have been proved, then it is one that exposes lack of financial integrity of the appellant, vis-a-vis the responsibility entrusted with him. Giving the nature of the charges and the finding of the enquiry report, which now stands are proved up to the revisional authority, this Court does not find that the punishment imposed on the appellant is disproportionate.

10. In the result, the writ appeal is dismissed. No costs. consequently connected Miscellaneous Petition is closed.

(N.S.S.,J.) (P.V.M.,J.)
10.04.2024

NCC : Yes/No
Index : Yes/No
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**N.SESHASAYEE, J.
and
P.VADAMALAI, J.**

RR

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