



2024:DHC:8881-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 18.11.2024

+ W.P.(C) 5560/2022

GAURAV DHAMA

.....Petitioner

Through: Mr. P. Sureshan, Adv.

versus

DIRECTOR GENERAL CENTRAL INDUSTRIAL

SECURITY FORCE & ORS.

.....Respondents

Through: Mr. Anurag Ahluwalia, CGSC
with Mr. Abhigyan Siddhant,
Mr. Rohit Kumar and Ms.
Hridyanshi Sharma, Advs. and
Ms. Usha, Asstt. Cmdt., SI P.
Devendra and SI Amit Kumar,
CISF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner challenging the Order dated 08.06.2018 passed by the Deputy Commandant, Central Industrial Security Force (CISF) Unit CCL, Bokaro Jharkhand, by which the petitioner was punished with a minor penalty of “deduction of an amount equal to 07 days’ salary”.
2. Aggrieved by the said order, the petitioner had challenged the same by way of an appeal, which was rejected by the Order dated



2024:DHC:8881-DB



15.12.2018 passed by the Senior Commandant, CISF Unit, 2nd Reserve Battalion, Ranchi. The petitioner then challenged the said rejection by way of a revision petition, which was partially allowed by the Deputy Inspector General, CISF, Eastern Sector, Patna by an Order dated 06.08.2019, thereby reducing the penalty to a “deduction of an amount equal to 02 days’ salary”.

3. In the present petition, the petitioner has also challenged the aforesaid two orders, passed by the Appellate as well as the Revisional Authorities.

4. The learned counsel for the petitioner submits that a proper inquiry was not conducted into the allegations against the petitioner. The petitioner was neither supplied with the copy of the complaint nor with the statements of the other officers that were recorded in the preliminary inquiry that finds mention in the revisional order. He submits that, therefore, there was a violation of the principles of natural justice.

5. On the other hand, the learned counsel for the respondents submits that as only a minor penalty was imposed on the petitioner under Rule 37 of the Central Industrial Security Forces Rules, 2001. He was given a reasonable opportunity to make a representation against the charge. In response to the same, he admitted to the charge and, therefore, there was no further requirement of holding an inquiry under Rule 36 of the CISF Rules.

6. We have considered the submissions made by the learned counsel for the parties.



7. In the present case, the charge against the petitioner stems from the unfortunate incident which happened during the second shift on 17.03.2018 at the Chawri Bazar Metro Station. It is alleged that a lady, who was accompanied by her son with special needs and her daughter, demanded that the child with special needs be checked at a check post designated for females. The female officer, who was posted at such check post, requested the lady to take the child with special needs to the male check post. Agitated by this, the lady and her daughter started protesting in a rather rude manner. The petitioner, who was also standing there, intervened. The officer-in-charge, upon hearing the commotion, came to the spot and asked the petitioner to keep quiet, however, the petitioner is alleged to have persisted with his verbal protest against the behaviour of the lady and her daughter. The petitioner was, therefore, served with a Memorandum dated 28.05.2018, asking him to show cause on the following article of charge:-

“Force No.-1 20706 2 42 Constable/GD Gaurav Dhama 'B' Company of CISF Unit CCL Kargali was sent to CISF Unit DMRC Delhi on temporary/internal security duty. In the course of the said duty, the member of the force was posted in the second shift on 17.03.2018 at Chawri Bazar Metro Station. During the said duty posting, the force member argued with a female passenger who had come with a disabled person and when he was directed to remain silent by the shift in-charge, the said force member disobeyed the order of the shift incharge and kept arguing with that women passenger. At the same time, while using words derogatory mankind , he called (the passengers) crazy, etc., which



conduct is against the humanity and tarnishes the image of the Force. The above said act done by the Force No.- 1 20706 2 42 Constable/GD Gaurav Dhama 'B' Company shows negligence of duty, (mis)behavior with senior officers and gross indiscipline, hence the allegations."

8. The petitioner submitted his representation against the Article of Charge on 05.06.2018, whereafter in a summary manner, the Disciplinary Authority imposed a penalty on the petitioner of reduction of an amount equal to 7 days' salary. The appeal against the said order was rejected by the Appellate Authority, however, the Revisional Authority reduced the penalty to a reduction of an amount equal to 02 days' salary from the petitioner.

9. The learned counsel for the respondents has drawn our attention to the reply submitted by the petitioner in answer to the Article of Charge. In the said reply, the petitioner himself admits that upon hearing the commotion, the officer-in-charge approached the scene and called upon the petitioner, in a rather harsh tone, to keep quiet so that he can bring the scene to a calmness. The petitioner, however, insisted upon the officer-in-charge to first make the lady and her daughter keep quiet. Therefore, there was an implied admission by the petitioner of not following an order given by his superior.

10. The Revisional Authority has taken note of this fact and has also taken note of the background facts which led to this incident. The Revisional Authority has, therefore, reduced the original penalty imposed on the petitioner of deduction of an amount equal to 7 days' salary to deduction of an amount equal to 2 days' salary.



2024:DHC:8881-DB



11. As far as the plea of the petitioner that the documents and the statements were not supplied to him is concerned, we find that once the petitioner had himself, in his reply, admitted to not following the lawful command given by his superior, there was no further need for having a detailed inquiry under Rule 36 of the CISF Rules.

12. The penalty imposed upon the petitioner is also not found to be disproportionate, so as to warrant any interference by this Court.

13. We, therefore, find no merit in the present petition. The same is, accordingly, dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 18, 2024/ss/B/SJ

Click here to check corrigendum, if any