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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12478/2018

RAVI SHANKAR

.....Petitioner

Through: Mr. P.Sureshan, Advocate

versus

DG CISF AND ORS.

.....Respondents

Through: Mr. Jaswinder Singh, SPC with
Insp Sanjay Kumar, Law
Officer/CISF

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

13.08.2024

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1. The petitioner, who is working as a Sub-Inspector (Executive) in the CISF, has approached this Court under Article 226 of the Constitution of India seeking the following reliefs:

“ a) To quash and set aside the orders dated 26.12.2016 no. 28341 passed by Deputy Inspector General CISF (central industrial security force) unit, IGI Airport, New Delhi, Order no. 4367 dated 27.4.2017 passed by the Inspector General ,Airport Sector, CISF head quarter New Delhi and the final Order no. 3351 dated 15.11.2017 passed by the Director General, CISF, New Delhi whereby the petitioner had been punished with 'Reduction of pay to the minimum stage i.e. from Rs. 42,300 to Rs.35,400/- for a period of one year with further directions that he will not earn increments of pay during the period of reduction and that on expiry of



this period, the reduction will have the effect of postponing his future increment of pay'

b) Pass an order by exonerating the petitioner from all charges issued to him vide memorandum of charge dated 3.8.2016

c) Direct the respondents to pay cost of this litigation to the petitioner.

d) Any other further order/relief which is Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also be passed in favour of the petitioner and as against the respondent."

2. At the outset, learned counsel for the petitioner submits that the petitioner is not assailing the findings of the departmental proceedings or the fact that he was found guilty of the charge levelled against him and is challenging the proportionality of the punishment imposed on him. He contends that the this penalty of reduction of pay to the minimum stage for a period of one year with a further direction that the petitioner will not earn any increments during this period alongwith consequential postponement of the future increments, which has been imposed on him is extremely harsh and not commensurate with his misconduct.
3. He further submits that the respondents have, in other cases of exactly the same misconduct taken a more compassionate view and imposed only minor penalty. By drawing our attention to the penalty of "cut of 3 days pay" imposed on one lady Constable Kumari Anita, who like the petitioner had left her weapon in the washroom, he prays that the penalty imposed on the petitioner be modified. Though the petitioner had raised all these aspects in his revision petition filed before the



Director General, the same has been rejected by simply holding that there was no merit in his pleas. He, therefore prays that this disproportionate penalty be modified to any suitable minor penalty.

4. *Per Contra*, Mr. Jaswinder Singh, learned counsel for the respondents, supports the impugned order and submits that taking into account that the petitioner was working as a Sub-Inspector in the Crime and Intelligence Wing of CISF, he was expected to take greater care of his weapon vis-a-vis a Constable. The petitioner, who was holding a responsible post, was expected to exercise greater care and ought not to have left his weapon unattended in the washroom in such a busy Airport. The penalty imposed on him, he contends, was commensurate with his proven misconduct. He, therefore, prays that the writ petition be dismissed.
5. Having considered the submissions of learned counsel for the parties and perused the record, we are inclined to agree with the learned counsel for the respondents that the petitioner being a Sub-Inspector, ought to have shown due care in handling his weapon and there was certainly a lapse on his part. However, taking into account the good service record of the petitioner and the fact that the penalty imposed on him had not only reduced his pay scale to the minimum of the pay scale but had also resulted in postponing his future increments, we are of the view that the penalty imposed on him is certainly disproportionate. We may also note that the respondents do not deny that in a similar case, a lady constable was awarded only a minor penalty of 'three days' pay cut'.
6. We, therefore, allow the writ petition by setting aside the impugned



order dated 15.11.2017 passed by the respondent no. 1 and remand the matter back to the respondent no. 1/Director General, CISF for reconsideration of the penalty imposed upon the petitioner. While examining the petitioner's case for modification of the penalty, we expect the respondent no. 1 to take into account the petitioner's plea that for a similar lapse, one lady constable named Kumari Anita had been awarded only a minor penalty of 'three days pay cut'. A fresh order of penalty will be passed by respondent no. 1 within three months.

7. Needless to state, in case the petitioner is still aggrieved, it will be open for him to seek legal recourse as per law.
8. The writ petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 13, 2024

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