

Muneshwari Devi

... .. Petitioner/s

Versus

1. The Union of India, through the Director General, Central Industrial Security Force, Headquarter, C.s.O., complex, Lodi Road, New Delhi.
2. The Inspector, General, Central Industrial Security Force, North East Sector, Kasba, Kolkatta, West Bengal.
3. The Deputy Inspector General, North East Zone, Kasba, Kolkatta (West Bengal).
4. The Commandant, Central Industrial Security Force C.I.S.F. Unit, F.B.P. Farakka, P.O. - Khajuria Ghat, District Malda (West Bengal).
5. The Deputy Commandant C.I.S.F. Unit, I.O.C. Barauni, District Begusarai (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.
For the Union of India : Mr. Alok Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-01-2025 Heard Learned Counsel for the petitioner,
Learned Counsel for the State and Learned Counsel for the
Union of India.

2. The present writ petition has been filed to quash the order dated 28.05.2015 passed by the Inspector General of CISF North East Zone, Kolkata who has passed order of Revision contained in Letter No. 5086 dated 28.05.2015. The petitioner's further prayer to quash the appellate order contained in Letter No. 2140, dated 12.03.2015 and further



for setting aside the final/original order No. 2797 dated 29.06.2006.

3. Learned Counsel for the petitioner submits that the husband of the petitioner was posted and working as a constable in CISF and died while on duty, leaving behind his wife and three minor children. After death of the her husband, the petitioner was appointed as a constable on compassionate grounds in the BCCL Unit, Dhanbad in the year 1993. Counsel further submits that due to the illness of her daughter, who was undergoing treatment at her parental home, the petitioner went on leave and submitted an application in this regard. However, due to the seriousness of her daughter's illness, she overstayed at her parental home. Counsel further submits that she joined her duties but subsequently, due to illness, she was forced to return to her house to look after her child. Counsel also submits that as per Memorandum No. 2526, dated 08.06.2006, two charges were levelled against her. The first charge was that she did not turn up for duty and remained unauthorizedly absent from duty W.e.f. 26.05.2005 to 02.08.2005, for 69 days, without any permission from the competent authority. The second charge was that she did not turn up for duty and remain unauthorizedly absent from duty



W.e.f 10.08.2005 until the date of the final order dated 29.06.2006. Counsel further submits that, after the punishment, the petitioner has taken delay recourse against her dismissal and moved before this Hon'ble Court in CWJC No. 5990 of 2014 in which vide order dated 11.12.2014, liberty was granted to the petitioner to prefer an appeal/revision, and the delay in filing the appeal/revision was condoned by this Hon'ble Court. Learned Counsel for the petitioner submits that thereafter, the petitioner has preferred an appeal before the appellate authority and the appellate authority affirmed the original order and communicated the decision to the petitioner *vide* letter No. 2140 dated 12.03.2015. The petitioner being aggrieved by the order passed by the appellate authority, preferred a revision, in which the final order was passed *vide* Letter No. 5086 dated 28.05.2015, affirming the order of dismissal. Counsel further submits that there is a gross violation of natural justice, as it transpires from the departmental proceeding that at no occasion, the petitioner was ever served with the charge memo at any stage, and the departmental proceedings were conducted in her absence. Hence, according to him, interference is required.



4. Learned Counsel for the Union of India, on the other hand, submits that the petitioner has no case, as the petitioner was provided with all reasonable opportunities to defend herself. There is no violation of natural justice. He further submits that there is absolutely no procedural irregularity in conducting the departmental inquiry and the disciplinary authority provided due opportunity to the petitioner. The charge was duly proved. The petitioner was a member of the force and was expected to maintain a high standard of discipline and non-fulfillment of high standard of discipline tantamount to gross indiscipline, misconduct, dereliction of duty and a willful breach of rules and regulations, which is unbecoming of a member of a disciplined force. Learned Counsel further submits that the petitioner had already tendered her resignation prior to the passing of the final order. However, after a gap of about eight years, she moved before this Hon'ble Court and this Hon'ble Court was pleased to grant her an opportunity to prefer an appeal/revision by condoning the delay. Subsequently, the concerned authority complied with the order passed by this Hon'ble Court and passed a reasoned and speaking order.

5. Counsel further submits that, at least on six



occasions, notices were sent to the delinquent at her mailing address as provided in the official records by the petitioner herself, but she deliberately managed to have the said letters returned. Counsel submits that, the petitioner being an employee of the force, was obligated to inform the office of any changes in her address. However, with the intent of gaining an undue advantage, she failed to provide her updated address. Now, before this Hon'ble Court, she seeks to raise the plea of a violation of natural justice.

6. After going through the pleadings of the parties, it transpires to this Court that the present petitioner was appointed on compassionate grounds, and the officials sent notices through registered post as well as through personal mode, in accordance with CISF rules. In the CISF Rules, there is a provision for conducting the departmental inquiries ex parte, but for this procedure proper fulfillment of certain requirements is mandatory. It further transpires from the orders passed by the authorities concerned that, prior to initiation of the departmental proceedings those paraphernalias were duly fulfilled and this has been tested by the original authority, the appellate authority and the revisional authority. Moreover, the petitioner herself tendered



her resignation which shows that the petitioner was initially not interested to pursue her service. However, after a lapse of about eight years of her dismissal, she chose to pursue the case before this Hon'ble Court.

7. This Court is very much conscious that the scope of review in a departmental proceeding is very limited, confined to procedural irregularities, violation of natural justice and exorbitant punishment. Upon considering the facts and going through the different orders, this Court is of the firm view that there is no lacuna in the orders passed by the original, appellate and revisional authorities. Accordingly, this writ petition is hereby dismissed.

(Dr. Anshuman, J.)

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