

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1259 of 2017

Supriya Priyadarshini, D/o Arun Kumar Pandey, C/o- Mr. R.D. Tiwary,
Resident of Trimurti Nagar, Mithila Colony, Digha, Patna, Presently Posted at
I.O.C., Barauni, Dist- Begusarai.

... .. Petitioner/s

Versus

1. The Union Of India through the I.G., A.P. S, Central Industrial Security Force having its office at, New Delhi.
2. The D.I.G., (E and NE) APS, Kilkata.
3. Commandant/Revisional Authority, C.I.S.F. Unit, A.S.G., Patna, Bihar.
4. Deputy Commandant, C.I.S.F, Unit, Birsa Munda Airport, Ranchi, Jharkhand.
5. Assistant Commandant, C.I.S.F, Unit, Birsa Munda Airport, Ranchi, Jharkhand.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nagendra Dubey, Advocate
For the Union of India : Mr. Subodh Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 16-01-2025

Heard learned counsel for the petitioner and learned
counsel for the Central Industrial Security Force (hereinafter
referred to as the 'C.I.S.F.').

2. Learned counsel for the petitioner submits that the
present Writ Petition has been filed for quashing of the order
dated 24.12.2015 passed by the Assistant Commandant -cum-
Disciplinary Authority, Birsa Munda Airport (as contained in
Annexure -5 to the Writ Petition), order dated 03.03.2016
passed by the Deputy Commandant -cum -Appellate Authority,
Birsa Munda Airport (as contained in Annexure-7 to the Writ



Petition) and order dated 10.06.2016 passed by the Commandant /Revisioning Authority (as contained in Annexure -9 to the Writ Petition).

3. Learned counsel for the petitioner submits that the petitioner was appointed as GD/Constable in C.I.S.F. on 14.08.200. She was posted at Ranchi Airport where on the instance of the complaint made by one Balvir Kaur, Sub Inspector, an advisory was issued to the petitioner on 11.11.2012. However, on 10.11.2012, the petitioner wrote a letter to the Deputy Commandant stating therein the problem created by Balvir Kaur, Sub-Inspector in day-to-day work. Learned counsel further submits that the Deputy Commandant upon verification in this matter issued a warning letter to the petitioner on 06.01.2023 (as contained in Annexure -2 to the Writ Petition). Subsequently, on the basis of the allegation made by Balvir Kaur, Sub-Inspector, a memo was issued to the petitioner on 17.11.2015 (as contained in Annexure-3 to the Writ Petition). Following the said memo, the petitioner filed show cause within time i.e. on 07.12.2015 (as contained in Annexure -4 to the Writ Petition). Thereafter, punishment of '***fine equivalent to one day pay***' was inflicted upon the petitioner following the departmental proceeding vide order dated



24.12.2015 (as contained in Annexure-5 to the Writ Petition). Being aggrieved and dissatisfied with the said order of the Disciplinary Authority, the petitioner preferred appeal. In the said appeal, the order dated 24.12.2015 passed by the Disciplinary Authority has been confirmed. Thereafter, against the appellate order dated 03.03.2016 passed by the Appellate Authority, the petitioner preferred revision in which the punishment of '*fine equivalent to one day pay*' has been set aside and a higher punishment has been awarded directing '*deduction of salary equivalent to three days*'.

4. Learned counsel for the petitioner further submits that after passing of the said order by the Revisioning Authority, the petitioner challenged the said order before this Hon'ble Court and submits that the order passed by the Appellate Authority, Disciplinary Authority and the Revisioning Authority are bad in law.

5. Learned counsel for the petitioner further submits that the enhancement of the penalty by the Revisioning Authority was unlawful because she was not provided a reasonable opportunity to contest the enhanced penalty, as mandated by Rule 54 of the Central Industrial Security Force Rules, 2001 (hereinafter referred to as the 'C.I.S.F. Rule, 2001').



He further submits that Rule 54 clearly states that before enhancing any penalty, the Revisioning Authority must offer a reasonable opportunity to the delinquent to make a representation.

6. On the other hand, learned counsel for the C.I.S.F. submits that in paragraph 15 of the counter affidavit dated 12.04.2017 filed by the respondents, specific pleading has been taken by the C.I.S.F. that "after thorough examination of the case of delinquent the Revisioning Authority came to the conclusion that the penalty awarded by the Disciplinary Authority of ASG Ranchi was found less in comparison to her gravity of offence and enhanced the penalty of "pay fine equivalent to one day pay" to "pay fine equivalent to three days pay" vide revision order No. (2035) dated 10.06.2016.

7. Upon hearing the argument advanced by the learned counsel for the parties, the only legal question involved in this case which appears to this Court is whether the order passed by the Revisioning Authority is in accordance with law or not ? With a view to a proper appreciation of this matter Rule the specific provision of Rule 54 of the C.I.S.F. Rule, 2001 is reproduced as under :-

"54. Revision -

(1) Any authority superior to the



authority making the order may either on his own motion or otherwise call for the records of any inquiry and revise any order made under these rules, and may -

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such orders as it may deem fit, within six months of the date of communication of the order propose to be revised;

Provided that no order imposing or enhancing any penalty shall be made by any revisioning authority unless the enrolled member of the Force concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (i) to (v) of rule 34 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if any, inquiry under rule-36 of Central Industrial Security Force Rules, 2001 has not already been held in the case no such penalty shall be imposed except after an enquiry in the manner laid down in the aforesaid rules.

(2) The provisions of rule 52 relating to appeals shall apply so far as may be to such orders in revision.

(3) Orders and instructions issued by the Central Government on this subject from time to time shall be applicable Mutatis mutandis as applicable under Central Civil Services



(Classification Control and Appeal) Rules 1965.”

8. From bare perusal of Rule 54 of the C.I.S.F. Rules, 2001, it is crystal clear to this Court that after providing power under Section 54(1) (a) to (d) the lawmakers have put restrictions upon the Revisioning Authority indicating that no order imposing or enhancing penalty shall be made by any Revisioning Authority unless the enrolled member of the Force concerned has been given a reasonable opportunity of making a representation against the penalty proposed.

9. Here from the facts and circumstances of this case, it transpires to this Court that the said reasonable opportunity has not been granted to the petitioner nor has any representation been demanded from the petitioner in this regard that the Revisioning Authority is intended to propose higher punishment, which amounts to a gross violation of the procedural requirements outlined in Rule 54 of the C.I.S.F. Rules, 2001.

10. In this background, this Court hereby sets aside the order dated 10.06.2016 passed by the Commandant / Revisioning Authority (as contained in Annexure -9 to the Writ Petition) and directs the Revisioning Authority to pass a fresh order on the revision in accordance with law within three



months from the date of production of a copy of this order after awarding adequate opportunity to the petitioner. In case, the petitioner is aggrieved by the order, he shall be given an opportunity to avail remedy in accordance with law.

11. It is made clear that this Court has not expressed any opinion with regard to the order dated 24.12.2015 passed by the Assistant Commandant -cum- Disciplinary Authority, Birsa Munda Airport (as contained in Annexure -5 to the Writ Petition) and order dated 03.03.2016 passed by the Deputy Commandant -cum -Appellate Authority, Birsa Munda Airport (as contained in Annexure-7 to the Writ Petition).

12. With the aforesaid observation and direction, this Writ Petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	20/01/2025
Transmission Date	NA

