

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 277 of 2025

ML- 03.11.2025
01 Ct.02
rkd DM

Kanhaiya Ram

-vs-

The Union of India & Ors.

Mr. Jatindra Barik

....for the petitioner.

Mr. Subhankar Chakraborty,
Mr. Aninda Das,
Ms. Sayani Gupta

....for the respondents.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By presenting this writ petition, *inter alia*, petitioner has prayed for cancellation of memo dated 21st January, 2023 signed by the Assistant Commandant on 21st January, 2023 whereby representation of the petitioner dated 23rd December, 2022 was considered and rejected.
3. Vide representation dated 23rd December, 2022 petitioner prayed for reconsideration of the issue relating to disciplinary proceeding which was initiated against the petitioner by the Director General, Central Industrial Security Force (for short "CISF") on production of relevant records.
4. In order to fortify case of the petitioner reliance is

placed on Rule 6 of the Central Industrial Security Force Rules, 2001 and it is contended based on representation dated 23rd December, 2022 that steps are required to be taken for reconsideration of the decision taken by the concerned authority of CISF to impose punishment vide order dated 16th December, 2020 issued by the Disciplinary Authority. Petitioner prays for taking steps on his representation dated 23rd December, 2022.

5. Prayer of the petitioner is opposed by the learned advocate representing CISF and it is submitted that order of the Disciplinary Authority was assailed first by preferring appeal and subsequently order of the Appellate Authority affirming order of the Disciplinary Authority was assailed by preferring revisional application.
6. Revisional Authority by passing final order dated 28th April, 2022 rejected the plea of the petitioner and affirmed the order of the Disciplinary Authority and Appellate Authority and as such it is submitted that there is no scope left open to reconsider the case of the petitioner on receipt of his representation.
7. Having considered the respective submissions made on behalf of the parties and taking note of Rule 6 of Central Industrial Security Force Rules,

2001 it appears that the provisions contained under said Rule 6 do not come in aid of the petitioner in view of the facts of the present case. Petitioner suffered an order of punishment by the Disciplinary Authority vide order dated 16th December, 2020 and same was affirmed by the Appellate Authority vide order dated 6th April, 2021/7th April, 2021. Order of the Appellate Authority was subsequently questioned and affirmed by the Revisional Authority vide order dated 28th April, 2022.

8. After such exercise being made by the concerned authorities of CISF there is no provision as it is found which empowers the Disciplinary Authority/Appellate Authority/Revisional Authority to reconsider the case. Rule 6 does not postulate a situation where Disciplinary Authority/Appellate Authority/Revisional Authority is required to reconsider the issue after final order is passed in connection with disciplinary proceeding.
9. Therefore, no relief can be granted at this stage taking note of the representation made by the petitioner on 23rd December, 2022 and Court finds no anomaly in the response letter dated 21st January, 2023 issued on behalf of CISF.
10. Hence, writ petition stands dismissed.

11. However, this order shall not preclude the petitioner to question the order of the Disciplinary Authority / Appellate Authority / Revisional Authority in according with law.
12. There shall be no order as to costs.
13. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)