



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 14 OF 2021

Ramdeva Ram, Aged 34 years, s/o.
(Late) Gyana Ram, permanent r/o.
Village Lega Ki Dhani, Post Toshina,
Didwana Taluka, Dist. Nagour,
Rajasthan-341 319 presently posted as
Asst. Sub-Inspector/Exe Force No.
150404712, 'A' Coy., CISF Unit, Goa
Airport.

... Petitioner

Versus

1. Union of India, through Secretary,
Ministry of Home Affairs, North Block,
New Delhi.
2. The Commandant, CISF Unit, Goa
Airport, Dabolim, Goa – 403 801.
3. The Dy. Commandant, CISF Unit,
Goa Airport, Dabolim, Goa – 403 801.
4. The Asst. Commandant, CISF Unit,
Goa Airport, Dabolim, Goa 403 801.

... Respondents

Mr. Himanshu Gantam, Advocate with Ms. Annelise
Fernandes, Advocate for the Petitioner.

**Mr. Somnath Karpe, Central Government Standing
Counsel** with Mr. Anand Shirodkar, Advocate for the
Respondents.

**CORAM: ALOK ARADHE, CJ. &
M. S. SONAK, J.**

DATE: 12th March, 2025

ORAL JUDGMENT (*Per Chief Justice*)

1. Rule, made returnable forthwith. With consent of the parties, heard finally.

2. In this Writ Petition, the petitioner, *inter alia*, seeks a writ of certiorari for setting aside the order dated 29.11.2018 by which minor penalty of 'Censure' under Regulation 34(vi) of the Central Industrial Security Rules, 2001, has been imposed on the petitioner. The petitioner also seeks a direction to the respondents to grant him all consequential benefits. In order to appreciate the grievance of the petitioner, the relevant facts needs mention which are stated herein below.

3. The facts giving rise to the filing of this Writ Petition, in a nutshell, are that the petitioner, who is a resident of Rajasthan, was recruited by Central Industrial Security Force ('CISF', for short) on 30.09.2015 and was appointed as Assistant Sub-Inspector/Executive. The CISF is a Central Armed Police Force of the Union of India whose personnels are deployed in highly sensitive areas such as Airports, Sea Ports, Units of the Department of Atomic Energy, Department of Space, Metro, Power and Steel. The Force is also deployed on internal security duties and election duties. In terms of the requirement and practice of the CISF, the petitioner was given basic training and was posted at CISF, ASG (Aviation Security Group) Goa on 27.09.2016.

4. As mandated by the Bureau of Civil Aviation Security for being a 'Screener', the petitioner was required to pass "Screener Certification Course" and as such the petitioner had attended Screener Certification Course at CISF Unit, ASG, Mumbai from 20.02.2018 to 06.03.2018. The petitioner however failed to pass the examination. The petitioner again attended the 'Screener Certificate Course' for the second time at CISF NISA Hyderabad from 21.08.2018 to 05.09.2018 and again failed to qualify the aforesaid re-test. The petitioner thus failed to qualify for the Screening Certification Course twice.

5. The office of Additional Director General, Central Industrial Security Force, issued a Circular dated 07.03.2017, which provides that if a Sub-ordinate Officer does not clear the Screener test in the first attempt, he should be issued a warning. Thereafter, if he fails to clear the Screener test, a Departmental action should be taken against him. The relevant extract of the circular dated 07.03.2017, reads thus :

"2. It has now been decided that the training and certification of screeners will be monitored on a fortnightly basis at APS HQ and the responsibility of ensuring that all the eligible SOs are trained and undergo the training and clear the screener's exam will lie with the respective CASO and the Zonal DIG, A record will be made at APS HQ regarding those CASOs who do not ensure the above and entry shall be made in their APARs. The Zonal DIsG shall

monitor this in their respective zones diligently and will accord it top priority and will also be responsible for ensuring that each and every personnel detailed clears the screener's test. Even those SOs working in CIW, QM Stores, QRT the screener's test. Even those SOs working in CIW, QM Stores, QRT or any other duty, should also be detailed for this course. In case, an SO, who is otherwise eligible, does not clear the screener's test, a warning should be given to him on the first count and thereafter departmental action should be taken against him if he fails this exam repeatedly.”

6. The petitioner had failed to clear the Screen test even in second attempt. The service conditions of the petitioner is governed by the provisions of Rule 37 of CISF Rules 2001 and the aforesaid Rules deal with the procedure for imposition of minor penalty. The office Commandant of CISF Goa, therefore initiated proceedings against the petitioner under Regulation 37 of the CISF Rules and show cause notice dated 13.11.2018 was issued to the petitioner. The petitioner submitted a reply thereafter. The competent authority by an Order dated 29.11.2028 had imposed a penalty of ‘Censure’. The petitioner challenged the validity of the aforesaid order dated 29.11.208 in an appeal. However, the authority by an Order dated 18.01.2019, dismissed the appeal. Upon the order passed by the competent authority and dismissing the appeal, in the aforesaid facts and background, this petition has been filed.

7. Learned Counsel for the petitioner submitted that there was no intention on the part of the petitioner not to clear the examination therefore action under Rule 37 of the CISF Rules could not have been framed against him. It is further submitted that no warning was issued to the petitioner.

8. On the other hand, learned Counsel for the respondents has supported the action taken against the petitioner and has submitted that the same has been taken in consonance of the Rules and the Circular.

9. We have considered the rival submissions made on both sides and have perused the record. The CISF is a disciplined force and is deployed at sensitive areas such as Airports, Sea Ports, Units of the Department of Atomic Energy, etc. In order to the Censure, it was mandatory for the petitioner to have passed the screener's test. It is not in dispute that the petitioner failed twice in the aforesaid test. The Circular dated 07.03.2017 issued by the Office of Additional Director General Central Industrial Security Force provides that in case a Subordinate Officer fails to clear the test repeatedly, a departmental action should be initiated against him. The petitioner in the instant case has failed to clear the screener's test twice. Therefore, in terms of the Circular dated 07.03.2017, Rule 37 of CISF Rules 2001 was invoked

and a procedure was initiated for imposing a minor penalty. After affording opportunity of hearing to the petitioner, an order of imposition of a minor penalty namely 'Censure' had been passed on 29.11.2018. The aforesaid Order was upheld by the appellate authority by an Order dated 18.01.2019. It is pertinent to note that the aforesaid order has been upheld even by the revisional authority as the revision preferred by the petitioner has been dismissed on the grounds of delay and laches. Thus, from the narration of the aforementioned facts, it is evident that the action against the petitioner has been taken in consonance of the provisions of the Circular and the CISF Rules 2001. The petitioner has not assailed the validity of the Circular dated 07.03.2017. The impugned Order imposing the minor penalty which has been even upheld by the appellate and revisional authority does not suffer from either any procedural infirmity or any impropriety, warranting interference of this Court in exercise of extraordinary discretionary jurisdiction under Article 226 of the Constitution of India.

10. We do not find any merit in this Writ Petition. The same is accordingly dismissed.

M. S. SONAK, J.

CHIEF JUSTICE