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W.P.No.3016 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.09.2025

PRONOUNCED ON : 12.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.3016 of 2019

G.Anand Raj

.. petitioner

vs

1. The Union of India
Rep by its Secretary to Government
Ministry of Home Affairs
New Delhi.

2.The Director General
Central Industrial Security Force
Head Quarters, CGO Complex
Lodhi Road, New Delhi – 110 003.

3.The Inspector General
North Zone – I, Head Quarters
Central Industrial Security Force
Mahilpur, New Delhi – 110 117.

4.The Deputy Inspector General
North Zone – I, Head Quarters
Central Industrial Security Force
Mahilpur, New Delhi – 110 117.

5.The Deputy Inspector General
South Zone,
Central Industrial Security Force
Rajaji Bhawan
Besant Nagar, Chennai – 600 009.



6. The Group Commandant
CISF Group Head Quarters
Sector-9/A, 4th Floor, Kendriya Sadan
Chandigarh – 160 009.

... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus to call for the records relating to the order passed by the 3rd respondent dated 17.12.2018 in his order No.V-15014/CISF/Disc/Rev-13/2018-16510 confirming the order passed by the 4th respondent dated 29.01.2018 in his appellate order No.V-11014/CISF/Disc/Appeal-01/2018-57 confirming the order passed by the 6th respondent in his final order No.V-15014/CISF/GHCH/Disc/UR-36/GAR/2017-3943 dated 05.12.2017 and quash the same and to direct to take petitioner into the strength of CISF a constable and to pay all monetary benefits to the petitioner.

For Petitioner : Mr.A.S.Mujibur Rahman
For Respondents : M/s.K.Subbu Ranga Bharathi, CGC

ORDER

Heard Mr.A.S.Mujibur Rahman, learned counsel representing Mr.M.Md.Ibrahim Ali, learned counsel for the petitioner and Mr.K.Subbu Ranga Bharathi, learned Central Government Counsel for the respondents and perused the records.



2. The present writ petition is filed for issuance of writ of certiorari mandamus to call for the records relating to the order passed by the 3rd respondent dated 17.12.2018 in his order No.V-15014/CISF/Disc/Rev-13/2018-16510 [“herein after referred to as impugned order”] confirming the order passed by the 4th respondent dated 29.01.2018 in appeal preferred against the order of the 6th respondent dated 05.12.2017 whereby the petitioner was awarded with punishment of compulsory retirement and quash the same with consequential reliefs.

3. The case of the petitioner in brief is that he had joined the service of the respondent viz., Central Industrial Security Force (CISF) as constable on 12.08.1993 and after completing training period of one year, he was posted at various places, across India from April 1994 till November 2015; that from 2010 till November 2015, he was posted to work at Chennai Port Trust; and that in November 2015 the petitioner's service was transferred to SHEP SEWA - II, Jammu & Kashmir.

4. It is the further case of the petitioner that anticipating his transfer to North Zone and having regard to the need to provide treatment to his father who is aged about 82 years with health issues, requiring medical attention,



he had submitted a representation dated 14.11.2014 to the second respondent, with a request to change the sector to enable him to remain in Chennai to provide medical treatment to his father; and that the aforesaid request was followed up by an another representation dated 22.12.2014 and 20.01.2015. The petitioner also contends that as the aforesaid representations did not elicit any response, he had approached the 2nd respondent and requested for cancelling his posting to SHEP SEWA - II, Jammu & Kashmir by submitting representation in August 2015 which was followed up by representation dated 02.09.2015, 13.10.2015 and 24.11.2015; that the second respondent by his communication dated 12.11.2015 expressed his regret to consider the aforesaid representations of the petitioner; and that on the 2nd respondent expressing regret in considering the representations submitted by him, movement order was issued on 25.11.2015, upon which he had joined duty at Jammu & Kashmir in the month of November 2015.

5. The petitioner further contended that after joining the duty in Jammu & Kashmir, he had approached the 3rd respondent on 04.12.2015 and sought for change of posting from North zone to anywhere in West zone or East zone, so as to enable him to continue with the medical treatment to his



father; that in the interregnum he was admitted in the hospital on 26.10.2015 for knee injury and took treatment from 25.01.2016 to 30.01.2016 at Chennai, on being granted earned leave for **25 days**.

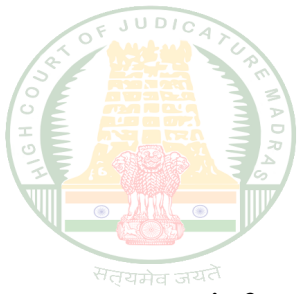
6. It is the further case of the petitioner that while he was working on duty at Chennai in Chennai Port Trust, he had suffered an injury on his right leg and was provided with medical treatment at Chennai Port Trust Hospital; that after reporting at SHEP SEWA- II, Jammu & Kashmir, he had continued with the treatment for the injury he had sustained on 26.10.2015, while working in Chennai Port Trust at NHPC Hospital; that again on 23.04.2016, while performing the duties at Mess Commander, he had slipped and sustained injury in the same right knee, for which he was already taking treatment on account of the injury caused on 26.10.2015.

7. The petitioner contended that he suffered an injury again to the right knee, he was referred for MRI scan and thereafter to Ortho surgeon at Pathankot, where the Doctor prescribed one month physiotherapy, before being operated upon; that on the Doctor at Pathankot advising physiotherapy for one month, he had returned to his unit and consulted the medical officer of NHPC hospital, who had advised 30 days home rest; that



against the aforesaid advise, he was only granted 15 days home rest from 28.04.2016 to 12.05.2016; and was required to return to duty on 13.05.2016, on expiry of 15 days medical home rest leave granted; and upon returning to home in Chennai, he had taken treatment from Government Hospital where he was earlier provided treatment, while working with Chennai Port Trust.

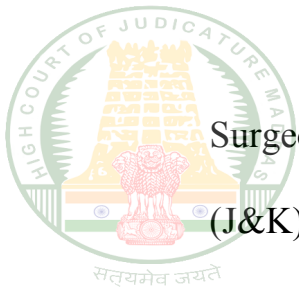
8. The petitioner further contended that as the medical treatment continued for further period of 15-20 days, he could not return to duty on expiry of leave as the Doctor who was providing treatment to him had informed him that an open surgery need to be performed for the injury sustained by him; that as he did not intended to have open surgery he had sought for the details of the Doctor who can undertake closed surgery; that he was directed to consult specialist Dr.V.Mazhavan, a retired professor of Government Hospital who was running a private clinic; that on contacting the aforesaid Doctor, he provided physiotherapy for about three months from 02.05.2016 to July 2016; that as the Doctor is not authorised to attest the medical documents, he had advised him to consult one Dr.K.P.Manimaran, who is a specialist in Orthopaedic & Spine surgeon for better treatment and to complete all formalities of the documents for reimbursement of medical expenditures; and that he thereafter took treatment from 18.07.2016.



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9. The petitioner also contended that all the above facts have been informed by him from time to time to his unit through mail, alongwith all the relevant documents. It is contended that in fact the petitioner was advised to undergo operation on 27.10.2016, however the surgery could not be performed on the said day, on account of inability to meet the medical expenses, as a result of which, the same was postponed to 25.11.2016, and was performed at Kumaran Hospital, Chennai; and that he had taken four months time to recover from the said operation.

10. It is further case of the petitioner that on 07.04.2017, he was directed to appear before the Board of Medical Officers, Rajiv Gandhi Government Hospital, Chennai, whereat he was declared medically fit to join duty by recommending local posting, based on which, he had accepted his fitness as certified by the Board of medical officers of Rajiv Gandhi Government Hospital, Chennai; that the recommendation for local transfer was made without even touching his body or examining the condition of the right knee; that on the aforesaid certificate of fitness being issued, he had approached the Chief Civil Surgeon, Dr.Bhaskaran on 10.04.2017, who had also declared him to be medically fit, to join duty. On the Chief Civil



Surgeon declaring him medically fit, he had joined duty at SHEP SEWA-II (J&K) on 13.04.2017.

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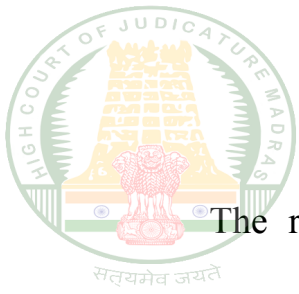
11. The petitioner contented that after joining the duty on 13.04.2017, he had submitted representation dated 07.07.2017 requesting to disburse the medical expenses which he had incurred for availing treatment for the injury sustained by him to his right knee, while performing his duties.

12. It is the case of the petitioner that while he had requested for disbursement of the medical expenses, he was issued with a charge memo dated 02.06.2017 (served on him on 05.07.2017) under the signature of the 6th respondent containing two articles of charge and calling upon the petitioner to submit his written statement of defence; that he had submitted written statement of defence on 05.07.2017 with a request to furnish certain documents and upon the 6th respondent furnishing the documents he filed written representation denying the article of charge. The 6th respondent, however, not agreeing with the written statement of defence, ordered enquiry by appointing the Enquiry Officer and a Presenting Officer; and that the Enquiry Officer had conducted enquiry in a biased manner and submitted a report dated 06.09.2017, holding that the articles of charge framed against



the delinquent petitioner are proved, without taking into consideration the medical certificates produced at the time of enquiry proceedings. The 6th respondent thereafter by considering the enquiry report had passed final order dated 05.12.2017, awarding punishment of compulsory retirement.

13. The petitioner contended that aggrieved by the final order passed by the 6th respondent, he had preferred an appeal to the 4th respondent on 18.12.2017; and the 4th respondent had rejected his appeal by his order dated 29.01.2018. Aggrieved by the aforesaid rejection of appeal, he had availed the remedy of Revision before the 3rd respondent by filing application on 16.04.2018 and the same was also rejected by the 3rd respondent vide order dated 17.12.2018. Since, the order of the 6th respondent and the order passed in appeal and the revision are all served on the petitioner at his place of residence at Chennai, part of cause of action arose within the jurisdiction of this Court and since on being granted medical home rest by the respondents; he had availed medical treatment at Chennai, this Court has jurisdiction to consider the matter, with regard to arbitrariness and illegality of the impugned order passed by the 6th respondent as confirmed by the appellate authority in appeal as well by the revisional order.



14. Counter affidavit was filed on behalf of the respondents 1 and 2.

The respondents by the counter affidavit filed, while denying the writ averments, contended that the petitioner was absent for a total of 315 days without any valid sanction and thus the said period of absence would have to be considered as unauthorised absence.

15. The respondents by counter affidavit contended that the petitioner while working at Chennai Port Trust, Chennai was transferred to work at SHEP SEWA -II, Jammu & Kashmir vide proceedings dated 19.05.2014; that the aforesaid order of transfer was deferred at the request of the petitioner on the ground of medical treatment of his father for six months upto December 2014 vide letter dated 20.06.2014; that the petitioner thereafter submitted an application dated 14.11.2014 and 27.12.2014 requesting for change of sector from North to West Sector on the ground of poor health of his father; and that the said request was regretted by the respondent vide letter No.(255) dated 20.01.2015.

16. The respondents by counter affidavit further contended that the petitioner once again submitted an application on 13.07.2015 to the 2nd respondent seeking cancellation of his posting in the North sector on the



ground of education of his children and father's poor health condition; that the same was considered and regretted with a direction to the concerned section to relieve the petitioner immediately to join duty at SHEP SEWA-II vide letter dated 12.11.2015; that upon issuance of said communication only, the petitioner was relieved from Chennai Port Trust on 25.11.2015 and reported to duty at SHEP SEWA-II unit on 31.12.2015, after availing admissible joining time, along with 20 days earned leave.

17. The respondents by the Counter affidavit also contended that the claim of the petitioner that his reply dated 04.12.2015 submitted to the 4th respondent not being considered is factually incorrect, as the said representation was duly considered and regretted vide letter dated 01.01.2016; and that the petitioner has assailed the action of the respondent, by filing writ petition in WP.No.5902 of 2016, seeking transfer from North Zone to West or East Zone on the ground of his father's treatment and education of his children.

18. By the counter affidavit, the respondents contended that the non willingness of the petitioner to join duty at the place of posting, pursuant to transfer order dated 19.05.2014 and seeking time on one pretext or other



only goes to show that the petitioner was not inclined to work in Norun Sector.

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19. By the counter affidavit, it is submitted that the claim of the petitioner of the enquiry officer having conducted the enquiry proceedings with administrative bias is not borne out from the record, inasmuch as the enquiry officer had followed the procedure in its letter and spirit and afforded the petitioner with all required opportunity to advance his case.

20. By the counter affidavit, it is also contended that the petitioner having joined the uniformed service is required to conduct himself in a manner befitting the disciplined service and act in accordance with the service conditions; that the petitioner contrary to the Rules claims to have got medical treatment from a private Doctor in a place far away from his normal place of residence, even though he himself had admitted of getting treated initially in a Government Hospital in the close proximity of his residence.

21. The respondents by referring to the documents annexed to the counter affidavit contended that the medical certificate furnished by the



petitioner, of on being advised to consult a private Doctor and the said Doctor having provided treatment from 02.06.2016 till 28.11.2016, cannot be considered, as the said medical certificate furnished by the petitioner does not have the name of the Doctor or his/her Registration number. Further, the place whereat the petitioner alleged to have availed treatment is at a distance of 60 – 65 Kms from his place of residence, while the petitioner had the benefit of availing medical assistance in Government Hospital within the radius of 4 to 5 Kms of his house.

22. By the Counter affidavit it is also contended that as the petitioner had over stayed the medical rest at home granted to him, he was issued with three call up notices, 1st notice being dated 10.11.2016, 2nd notice being dated 21.11.2016 and the 3rd notice being dated 03.12.2016, directing him to report duty immediately, failing which he was informed that stern disciplinary action would be taken as per rules.

23. Despite being issued with three call up notices, as the petitioner did not report to duty, the respondents had constituted a medical board and directed the petitioner to report before the Medical Superintendent, Rajiv Gandhi Government Hospital, Chennai with the original documents of the



medical treatment availed by him, within fifteen days from the date of receipt of the said communication and only thereupon, the petitioner appeared before the Medical Board constituted by the Rajiv Gandhi Government Hospital, Chennai. The panel of Doctors consisting of three members, examined the petitioner and certified that he is physically fit to resume duties w.e.f. 07.04.2017; and that on the medical board issuing aforesaid certificate of fitness to return duty, the petitioner had reported back to duty on 13.04.2017 A.N.

24. It is further submitted by the respondents that on the petitioner reporting back to duty on 13.04.2017 A.N. a memorandum under Rule 36 of CISF Rules 2001 was issued to the petitioner directing him to submit his written statement of defense, as to the imputation of misconduct or misbehaviour as set out in the enclosed statement of articles of charge. Since, the petitioner did not submit any statement of defense, the respondents have appointed an Enquiry Officer and the Presenting Officer to conduct an enquiry into Articles of charge and submit a report.

25. The respondents further contend that the petitioner appeared and participated in the enquiry proceedings before the Enquiry Officer appointed



to conduct enquiry into the Articles of charge. The Enquiry Officer, after due consideration of the explanation submitted by the petitioner submitted his report on 16.10.2017. Upon the submission of the enquiry officer's report, and the 6th respondent initiating disciplinary action, the petitioner had sought for copy of the enquiry report to be furnished in English, for him to submit his written statement, which was duly acceded to by the respondents and the petitioner thereafter had submitted his written statement on 20.11.2017.

26. The 6th respondent by considering the written statement filed by the petitioner in response to notice of charges, had passed the impugned order, holding that while the petitioner was permitted medical home rest for 15 days to avail treatment from Stanley Government Hospital, Chennai from 13.05.2016 to 01.06.2016, had neglected the authorised treatment from Stanley Government Hospital, Chennai and switched over to a private Doctor on his own, and claimed to have obtained treatment from such Doctor and as such, the absence from duty from 02.06.2016 to 09.04.2017 / (12.04.2017 date of joining back) is unauthorised absence from Government bonafide duty without any valid authority and sanction.



27. By the impugned order it was further held that the conduct of the petitioner like overstaying medical home rest unauthorisedly without proper permission from the competent authority is highly prejudicial to the discipline of armed force of the Union like Central Industrial Security Force and amounts to gross misconduct and violation of duty and wilful disobedience of lawful orders of superior officers, thereby unbecoming a member of armed force of the union. The 6th respondent taking into consideration the overall circumstances imposed penalty of compulsory retirement with all admissible pensionary benefits as per Rule 40 of CCS (pension) Rules 1972.

28. On behalf of the respondents, it is also contended that since, the petitioner being a member of disciplined force, unauthorised absence would amount to a grave act of misconduct, and that the 6th respondent while imposing penalty of compulsory retirement had in fact taken a lenient view by protecting the pensionary benefits, taking into consideration the service put in by the petitioner from 1993 onwards and as such, no interference is called for with the impugned orders.



29. The respondents further contended that on the 6th respondent passing the impugned order, whereby the petitioner had been visited with penalty of compulsory retirement, the petitioner had availed the remedy of appeal to the 4th respondent and the 4th respondent by considering the overall circumstances of the case, did not find any reason to interfere with the order of the 6th respondent and accordingly, rejected the appeal vide its order dated 05.12.2017.

30. It is further contended by the respondents that since, the petitioner thereafter had preferred a revision before the 3rd respondent and that the 3rd respondent by its order dated 17.12.2018 also do not find any reasons to interfere with the well reasoned order of the 6th respondent as confirmed in appeal by the 4th respondent.

31. On behalf of the respondents, it is contended that since, the petitioner having availed all the remedies provided under the CISF Act, 1968 and the rules made thereunder, cannot claim that the impugned order having been passed with an administrative bias and is thus the writ petition is liable to be quashed.



32. In support of the aforesaid contention, reliance has been placed on the decision of the Hon'ble Apex Court dated **29.08.2025** in the case of **State of Punjab and others v. Ex.C.Satpal Singh** reported in **2025 INSC 1056**.

33. Respondents further contended that since, the impugned order as well the appellate order and the revisional order are passed by the 6th respondent, 4th respondent and 3rd respondent respectively, who are outside the jurisdiction of this Court and also the petitioner's having joined the duty in the North Sector on his transfer vide order dated 19.05.2014, the petitioner, if aggrieved by the aforesaid orders has to assail the same before the jurisdictional High Court, in the North Sector and cannot maintain the present writ petition. It is also contended that the petitioner in order to get over the aforesaid hurdle, has arrayed the 5th respondent as a party to the present writ petition, though, no relief is sought against the 5th respondent in the writ petition. Thus, the present writ petition is liable to be dismissed on the ground of jurisdiction.

34. The learned Central Government Counsel appearing on behalf of the respondents, thus submits that since, no part of cause of action arose



within the jurisdiction of this Court, the petitioner is not entitled to maintain the present writ petition.

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35. The learned Central Government Counsel also submitted that similar issue had fallen for consideration before a coordinate bench of this Court in WP.No.26464 and 29311 of 2019 and this Court by order dated 13.03.2025 dismissed the aforesaid writ petition on the ground of lack of jurisdiction, as such, the present writ petition is also liable to be dismissed.

36. In reply to the aforesaid submission made on behalf of the petitioner, learned counsel for the petitioner contended that since, the petitioner had addressed communications to the respondents from Chennai and as the impugned proceedings are served on the petitioner at his place of residence at Chennai, this Court has jurisdiction to adjudicate the matter.

37. In support of the aforesaid contention reliance is placed on the decision of the Hon'ble Apex Court in the case of ***Nawal Kishore Sharma V. Union of India*** reported in **2014 (9) SCC 329**.



38. I have taken note of the respective contentions urged.

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39. Before proceedings to consider the issue as to whether the action of the 6th respondent in passing the order titled as “final order” imposing penalty of compulsory retirement on the petitioner, based on the enquiry report submitted by the enquiry officer can be held as suffering from administrative bias or not, it is pertinent to refer to some of the provisions relating to the creation of the Central Industrial Security Force, under the Ministry of Home Affairs.

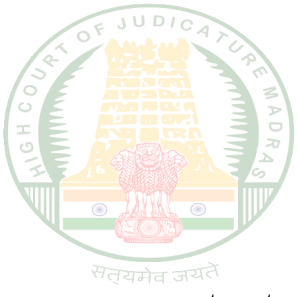
40. By Central Enactment i.e, Act 50, 1968, Central Industrial Security Force Act 1968 (hereinafter referred to as “Act 1968”) has been enacted whereby as Central Armed Police Force (in short CAPF) an armed force of the union called as Central Industrial Security Force was constituted and maintained by the Central Government for better protection and security of the industrial undertakings owned by the Government, joint venture or private industrial undertaking and to perform such other duties as may be entrusted to it by the Central Government. (CCSW) C - Section (3) of the Act 1968 (hereinafter referred to as 'Act 1968').



41. Over a period of time, the force has been deployed to provide security to the public service, including large institutions, various installations, Government Buildings, heritage monuments, nuclear power plants, space stations, among other highly sensitive places.

42. Section 10 of the Act 1968 provides for duties of members of the force and sub clause (a) of Section 10 specifically states that every member of the force shall “promptly to obey and execute all orders lawfully issued to him by his superior authority”.

43. Since, the force, of which the petitioner is a member viz., CISF is treated as Armed Police Force created under the special enactment, bestowed with specific duties including the power to arrest without warrant, (Section 11 of the Act, 1968), it cannot be said that the petitioner is in a regular employment for him to claim of his over stay of medical home rest without having valid authorisation / sanction from the concerned authority is not a wilful disobeying the order or not amounting to misconduct for him to claim that the over stay by him from 13.05.2016 to 12.04.2017 is on account of he requiring to undergo medical treatment and not being unauthorised absence.



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44. Even if the petitioner was required to undergo further medical treatment, he ought to have availed sanction from the authority concerned by abiding to instructions rather than disobeying such instructions, which act of the petitioner clearly amounts to neglect of duty.

45. The petitioner on being granted medical home rest for a period of 15 days and having taken treatment at Stanley Government Hospital, Chennai, initially, could not have on his own volition approached the private Doctor for taking further treatment from May 2016 to November 2016, without any approval or sanction from the concerned respondent authority. The said act on the part of the petitioner would clearly amount to the petitioner disobeying the lawful orders issued to him in this regard.

46. If such act of disobedience is permitted, particularly in disciplined force, the same would lead to mayhem in a force which is required to conduct itself in a disciplined manner. Further, as rightly pointed out by the respondent, the petitioner while staying at Chennai, which is a State capital and having better medical facilities, choose to obtain medical certificate from a Doctor who is stated to be situated in “Chengalpattu” which is 60-



65kms away from the State Capital and from the petitioner's place of residence. Further the medical certificate furnished by the petitioner to the respondents does not disclose the name of the Doctor or his/her Registration number. When the said medical certificate is juxtaposed with the medical certificate furnished by the Stanley Hospital, Chennai, whereat petitioner had got the initial treatment pursuant to the medical home rest leave sanctioned by the respondent authorities, casts a cloud on the claim of the petitioner.

47. Further, the petitioner had joined duty only on 13.04.2017, after being directed to appear before the medical board and being declared medically fit on 07.04.2017, after failing to respond to three call up notices and to join duty. It is the disobedience which led to the respondents issuing memorandum under Rule 36 of CISF rules 2001. The petitioner having not submitted any written statement of defense thereto had resulted in the respondents appointing an Enquiry Officer and Presenting Officer to enquire into the charges framed against the petitioner as delinquent officer and the petitioner having participated in the proceedings by submitting his reply in detail and the enquiry officer having considered the said explanations and having found the articles of charges proved vide his report dated 16.10.2017



cannot claim of the enquiry report to be suffering with administrative bias, merely because, the enquiry officer had found articles of charge proved which is not to the liking of the petitioner.

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48. As noted herein above, since, the petitioner is a member of disciplined force, unauthorised absence of 315 days cannot be lightly brushed aside. A member of a disciplined force is required to conduct himself in such a manner, in line with the expectations from the members of such force. The act of the petitioner in overstaying the period of sanctioned medical home rest by a period of 315 days by any stretch of imagination cannot be considered as a condonable omission.

49. On the other hand, the said act of the petitioner is clearly an act of misconduct warranting initiation of action which the respondents have rightly initiated by invoking Rule 36 of the Rules and thereafter passing order under Section 8 of the Act, 1968.

50. The Hon'ble Apex court in the decision *State of Punjab (cited supra)* relied upon by the respondents had approved the findings of the



disciplinary authority that the act of absence from duty in a disciplined force is a grievous act of misconduct.

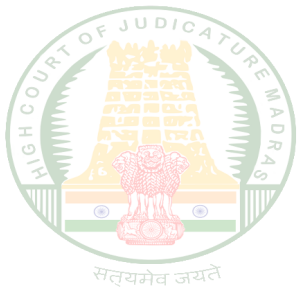
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51. The natural corollary of the of the aforesaid finding by the Hon'ble Apex Court in the case of *State of Punjab (cited supra)* when applied to the facts of the present case, the petitioner being a member of disciplined force like CISF does not stand in any better footing. Thus, the action of the 6th respondent in issuing the Final order in exercise of powers conferred under Section 8 of the Act cannot be said as suffering from administrative bias or arbitrary or illegal.

52. Further, it is trite law that in the disciplinary proceedings, the High Court is not and cannot act as a second Court of first appeal, while exercising writ jurisdiction under Article 226 of the Constitution of India.

53. The Hon'ble Apex Court in *Union of India and others V. P.Gunasekaran* reported in (2015) 2 SCC 610 had set the scope of interference in service matters and held as under :-

“12. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into



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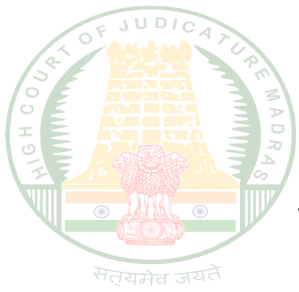


reappreciation of the evidence. The High Court can only see whether:

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- (i) the finding of fact is based on no evidence.*

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappreciate the evidence;*
- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii) go into the adequacy of the evidence;*
- (iv) go into the reliability of the evidence;*



(v) interfere, if there be some legal evidence on which findings can be based.

(vi) correct the error of fact however grave it may appear to be;

(vii) go into the proportionality of punishment unless it shocks its conscience.”

54. Further, the Hon'ble Apex Court in the case of **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T.Murali Babu** reported in (2015) 4 SCC 108 while dealing with proportionality in nature of punishment observed as under :-

“28. The doctrine of proportionality in the context of imposition of punishment in service law gets attracted when the court on the analysis of material brought on record comes to the conclusion that the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court.”

55. The Apex Court observing as above in the facts of the said case involving unauthorised absence had held as under :-

“31.The facts in the present case are quite different. As has been seen from the analysis made by the High



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Court, it has given emphasis on past misconduct of absence and first time desertion and thereafter proceeded to apply the doctrine of proportionality. The aforesaid approach is obviously incorrect. It is tell-tale that the respondent had remained absent for a considerable length of time. He had exhibited adamant attitude in not responding to the communications from the employer while he was unauthorisedly absent. As it appears, he has chosen his way, possibly nurturing the idea that he can remain absent for any length of time, apply for grant of leave at any time and also knock at the doors of the Court at his own will.”

56. The aforesaid view of the Hon'ble Apex Court reiterated once again in the subsequent judgment in the case of *Union of India V. P.Gunasekaran (cited supra)*.

57. A conspectus of the aforementioned decisions of the Hon'ble Apex Court, when applied to the facts of the present case would lead to an inequitable conclusions that the unauthorised absence by the petitioner for 315 days is a grave misconduct. Further, the 6th respondent being the disciplinary authority having regard to the circumstances having awarded the petitioner with the punishment of compulsory retirement with all admissible pensionary benefits, and the said punishment awarded firstly, cannot be said



as disproportionate so as to shock the conscience of the Court. Secondly, the said punishment awarded having been upheld by the 4th respondent in Appeal and further revision to the 3rd respondent also being unsuccessful, this Court cannot sit in appeal by re-appreciating the evidence and interfere with the disciplinary proceedings as a Court of Appeal.

58. In view of the conclusion arrived at as above, this Court is of the view that the Final order dated 05.12.2017 passed by the 6th respondent cannot be held to be illegal or arbitrary and the punishment awarded to be disproportionate for it to be set aside.

59. Consequently the order of the 4th respondent in appeal confirming the said order also cannot be held to be either perverse or is based on administrative consideration and constraints.

60. Similarly, the order of the 3rd respondent in a revision filed under rule 54 of the Rules also cannot be said to be suffering from any illegality or impropriety for it to be set aside.



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61. Turning to the last submissions as to the maintainability of the writ petition before this court, it is to be noted that a coordinate bench of this Court had an occasion to deal with a similar issue relating to another disciplined force viz., CRPF. This Court by considering the submissions made and taking note of the facts of the case therein that the petitioner having been transferred to work in a battalion unit situated in Manipur cannot seek to invoke jurisdiction of this Court, merely on account of he having initiated communication with the respondents therein being residing at Chennai, had held that the writ petition is not maintainable before this Court.

62. In the facts of the present case, admittedly, the petitioner was transferred from the jurisdiction of the 5th respondent on 19.05.2014 and after seeking extension had joined in the North Sector and working under the control of the 6th respondent. It is the 6th respondent who had initiated action under Rule 36 of the CISF Rules 2001, after the petitioner having reported back to duty on 13.04.2017 and the petitioner having taken part in the said proceedings till passing of the impugned order, whereby, the petitioner has been visited with penalty of compulsory retirement cannot approach this



Court, by claiming as if this Court has jurisdiction over the action of the respondent, as affirmed by the 4th respondent and the 3rd respondent.

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63. Thus, considered from any angle, this Court is of the considered view that the present writ petition as filed is devoid of merit and is liable to be dismissed.

64. Accordingly, the writ petition is dismissed. No order as to costs.

12.09.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1. The Union of India
Rep by its Secretary to Government
Ministry of Home Affairs
New Delhi.

2. The Director General
Central Industrial Security Force
Head Quarters, CGO Complex
Lodhi Road, New Delhi – 110003.

3. The Inspector General
North Zone – I, Head Quarters
Central Industrial Security Force
Mahilpapur, New Delhi – 110117.

4. The Deputy Inspector General
North Zone – I, Head Quarters

31/33



Central Industrial Security Force
Mahilpapur, New Delhi – 110117.

5.The Deputy Inspector General
South Zone,
Central Industrial Security Force
Rajaji Bhawan
Besant Nagar, Chennai – 600 009.

6.The Group Commandant
CISF Group Head Quarters
Sector-9/A, 4th Floor, Kendriya Sadan
Chandigarh – 160009.



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W.P.No.3016 of 2019



T. VINOD KUMAR, J.

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Pre-Delivery Order in

W.P.No.3016 of 2019

12.09.2025