



WEB COPY



W.A No. 1079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

WA No. 1079 of 2023

K.T. Rao
No. 922291786 Constable, Central
Industrial Security Force, Unit, STPP
Simhadri, Visakapattinam,
Andhra Pradesh.

... Appellant

Vs

1. The Union of India
Rep. by its Secretary, Ministry of
Home Affairs, North Block,
New Delhi.
- 2.The Director General
The Central Industrial Security
Force, CGO Complex, Lodhi Road,
New Delhi - 110 003.
- 3.The Inspector General
The Central Industrial Security
Force, South Sector, Near War
Memorial, Chennai - 600 009.
- 4.The Deputy Inspector General
The Central Industrial Security
Force, South Zone, Rajaji Bhawan,
Besant Nagar, Chennai - 600 090.
- 5.The Group Commandant
The Central Industrial Security



W.A No. 1079 of 2023

Force, Group Head Quarters,
Hyderabad,

6.The Commandant
The Central Industrial Security Force
Unit, FACT - Udyogamandal.

... Respondents

PRAYER

Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act to allow the Writ Appeal by setting aside the Order passed in W.P.No.12486 of 2014 dated 24-06-2022.

For Appellant : Mr.A.S. Mujibur Rahman

For Respondents : Mr.M.Karthikeyan
Central Government Standing
Counsel

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been filed against the order of the Writ Court dated 24.06.2022 in W.P.No.12486 of 2014.

2. The appellant was the writ petitioner, who was a member of the Force called Central Industrial Security Force (CISF). While he was on duty on 25.03.2022, 2100 Hours on 25.03.2012 to 0600 Hrs on 26.03.2012 at Boat Basin with Arms and Ammunition, he was found to be in deep asleep with snoring, sitting on a chair, keeping both the legs on



W.A No. 1079 of 2023

another chair, head down right side and his issued weapon was left in between the legs but both hands off from the weapon. Therefore, a charge has been framed against him for this dereliction or carelessness while he was on duty. The charge was enquired and ultimately the charge has been proved.

3. On proving the charges, the disciplinary authority imposed the punishment to the following effect:

" I, therefore, in exercise of powers conferred upon me under Rule 32 read in conjunction with Schedule-I and with Rule-34(v) of CISF Rules 2001 hereby award the penalty of

"R

e

duct

i

o

n o

pa

y

b

y

o

ne

postpo



W.A No. 1079 of 2023

WEB COPY

pay" to No.922291786 Constable / GD K.T.Rao of CISF Unit, STPP Simhadri to meet the ends of justice."

4. As against this punishment, the delinquent preferred an appeal before the appellate authority, who also confirmed the same, as against which he filed a revision and the revisional authority also has confirmed the punishment. As against these orders, the delinquent filed the writ petition, which also has been dismissed by the learned Judge through the impugned order and hence this appeal.

5. It is submitted by the learned counsel for the appellant that the punishment awarded by the original authority confirmed by the appellate as well as revisional authority is not commensurate with the proven charge ie., acting carelessly or in a negligent manner and in this regard, he invited our attention to Section 8 of the Central Industrial Security Force Act, 1968.

6. We have heard the learned Central Government Standing Counsel for the respondent CISF, who pointed out that it is only in consonance with the proven charge as against him, the punishment has been imposed as per Section 8 of the CISF Act and the disciplinary



W.A No. 1079 of 2023

authority's punishment having been considered, as confirmed by both the appellate authority as well as the revisional authority and no enhancement has been given or no modification has been made. Therefore, the order of punishment which was impugned before the writ Court is to be sustained, he contended.

7. We have heard the rival submissions made by the learned counsel for both sides and have perused the materials placed on record.

8. Insofar as the point that has been raised by the learned counsel for the appellant, the punishment awarded by the disciplinary authority as confirmed by the appellate as well as revisional authority is not commensurate with the delinquency is concerned, we have gone through Section 8 of the CISF Act, in which the punishments to be imposed for various charges has been enumerated. Section 8(ii) speaks about the various penalties against the members of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, wherein five types of punishments have been mentioned. One of the punishment is withholding of increment of pay with or without cumulative effect.



W.A No. 1079 of 2023

9. Since withholding of increment of pay with or without cumulative effect can be imposed even for carelessness or negligence in duty, that punishment can very well be imposed. Here in the case in hand, since the disciplinary authority has only imposed reduction of pay by one increment in Pay Band -1 for a period of one year, that punishment since is one of the punishments as enumerated under Section 8 of the Act for such delinquency or carelessness or negligence in duty, such a punishment can very well be taken as a commensurate punishment for the proven charge.

10. Therefore, the point that has been raised by the learned counsel for the appellant cannot be accepted. This position has been clearly discussed and has been considered in a proper perspective by the learned Judge through the impugned order. Therefore, we do not find any reason to interfere with the impugned order dismissing the writ petition. Resultantly, the writ appeal fails and the same is dismissed. No costs.

(R.SURESH KUMAR J.) (A.D.MARIA CLETE J.)
30-04-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes



W.A No. 1079 of 2023

Neutral Citation:Yes/No
KST

WEB COPY



W.A No. 1079 of 2023

To

- 1.The Union of India
Rep. by its Secretary, Ministry of
Home Affairs, North Block, New
Delhi.
- 2.The Director General
The Central Industrial Security
Force, CGO Complex, Lodhi Road,
New Delhi - 110 003.
- 3.The Inspector General
The Central Industrial Security
Force, South Sector, Near War
Memorial, Chennai - 600 009.
- 4.The Deputy Inspector General
The Central Industrial Security
Force, South Zone, Rajaji Bhawan,
Besant Nagar, Chennai - 600 090.
- 5.The Group Commandant
The Central Industrial Security
Force, Group Head Quarters,
Hyderabad,
- 6.The Commandant
The Central Industrial Security Force
Unit, FACT - Udyogamandal.



WEB COPY



W.A No. 1079 of 2023

**R.SURESH KUMAR J.
AND
A.D.MARIA CLETE J.**

KST

WA No. 1079 of 2023

30-04-2025