



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.4726 & 7003 of 2011

A.Ramaiyan ... Petitioner in W.P.No.4726 of 2011

N.G.Laskar ... Petitioner in W.P.No.7003 of 2011

Vs.

1.The Union of India,
Rep by the Secretary,
Ministry of Home Affairs,
New Delhi.

2.The Director General,
Central Industrial Security Force,
C.I.S.F Headquarters,
Block No.13, Lodhi Road,
New Delhi.

3.The Inspector General,
C.I.S.F South Sector,
Chennai – 600001.

4.The Deputy Inspector General,
C.I.S.F Southern Zone,
D-Block, Rajaji Bhavan,
Besant Nagar, Chennai – 600090

5.The Commandant,
C.I.S.F Unit, Chennai Port Trust,
Chennai – 600001.

... Respondents in both W.Ps



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Prayer in W.P.No.4726 of 2011: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order of the third respondent herein in No V-15014/L&R/SS/Rev/AR/2010-713 dated 03.09.2010 rejecting the revision petition against the appellate order of the fourth respondent herein in No V-11014/22/LR/SZ/2010/3829 dated 30.06.2010 and the order of punishment passed by the fifth respondent herein in Order No V-15014/Disc/AR-Maj/2010/686 dated 20.03.2010 and quash the same and grant all consequential benefits to the petitioner.

Prayer in W.P.No.7003 of 2011: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order of the third respondent herein in No V-15014/L&R/SS/Rev/NGL/2010-9233 dated 16.11.2010 rejecting the revision petition against the appellate order of the fourth respondent herein in No V-11014/22/LR/SZ/2010/5220 dated 30.08.2010 and the order of punishment passed by the fifth respondent herein in Order No V-15014/Disc/NGL-Maj/2010/2814 dated 31.05.2010 and quash the same and grant all consequential benefits to the petitioner.

For Petitioner in both W.Ps. : Mr.T.N.Sugesh

For R1 to R5 in
W.P.No.4726 of 2011 : Ms.N.K.Nithila Vani

For R1 to R5 in
W.P.No. 7003 of 2011 : Mr.D.Simon
Central Government Standing Counsel



COMMON ORDER

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The issue that arise for consideration in both the writ petitions is one and the same and as such both are taken up for consideration together and are being disposed of by this common order.

2. W.P.No.4726 of 2011 was filed aggrieved by an order dated 20.03.2010 passed by the 5th respondent imposing the punishment of “Reduction of pay by two stages from Rs.11130/-+4200/- GP to Rs.10240/-+4200/- GP In the time scale of pay Rs.9300-34800 till his superannuation from service i.e., upto 31.03.2010. It is further directed that No.723180021 SI/Exe A.Ramayaan will not earn increments of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increments of pay”. Aggrieved by the same, the said petitioner filed an appeal before the 4th respondent, and the 4th respondent by an order dated 30.06.2010 rejected the said appeal. Aggrieved thereby, the petitioner filed a revision petition before the 3rd respondent and the 3rd respondent by an order dated 03.09.2010 rejected the said revision petition. It is aggrieved by those three orders, the petitioner filed W.P.No.4726 of 2011, whereas the other petitioner namely N.G.Laskar filed W.P.No.7003 of



2011, aggrieved by an order dated 31.05.2010 passed by the 5th respondent imposing the punishment of “Reduction of pay by two stages from Rs.9530/- +2800/- GP to Rs.8820/-+2800/- GP in the time scale of pay Rs.5200 – 20200 for a period of five years wef 31.05.2010. It is further directed that he will earn increments of pay during the period of reduction and that on expiry of this period, the reduction will not have the effect of postponing his future increments of pay”, and the appeal and revisional orders passed by the respondents 4 & 3 respectively by orders dated 30.08.2010 and 16.11.2010 respectively.

3. The disciplinary proceedings in question that were initiated, culminating into passing of the impugned orders, were pursuant to the disciplinary proceedings that were initiated against the petitioners herein, as well as against 7 persons who were all working at one place i.e. at CISF Unit, ChPT, Chennai in the night shift duty from 21.00 hrs on 27.08.2009 to 06.00 hrs on 28.08.2009 at Gate No.10. In respect of all the 7 delinquent employees almost identical orders were passed by the respondents by framing individual identical charges. In respect of one Mr.M.Ramaswamy, a coordinate bench of this Court, examined the matter in detail in W.P.No.1365



of 2011, quashed the punishment that was imposed on Mr.M.Ramaswamy, who is also subjected to disciplinary proceedings like the petitioners herein.

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The said order has become final. Similarly, in respect of four others namely H.Siayudheen, K.B.Raju, B.Babu Rao, B.Srinivasulu also a learned Division Bench of this Court in W.P.Nos.1470 of 2011, 3372 of 2011, 10706 of 2011, 15839 of 2011 respectively filed by the said petitioners examined the matter in detail and came to the conclusion that the appellate authority namely the 4th respondent herein is under statutory obligation to consider the adequacy of the punishment that was imposed by the 5th respondent while examining the appeal filed by the petitioners therein. Having come to the such conclusion, the learned Division Bench remanded the matter back to the 4th respondent appellate authority for reconsidering the appeal and the issues of adequacy of the punishment imposed on the petitioners herein. The relevant paragraph from the said order dated 07.07.2014 in W.P.No.1470 of 2011 and batch reads as under:

“8.Having regard to the statutory provision, which mandates consideration of the issue as to whether the penalty imposed is adequate or excessive, the appellate authority is bound to consider the said aspect. The said issue having not been considered, the orders passed by the appellate authority as well as the revisional authority are set aside and the respective appeals preferred by the petitioners are restored before the second



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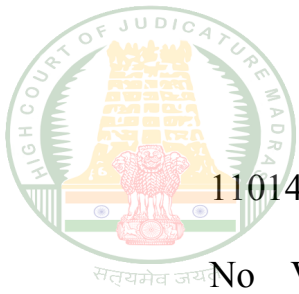
W.P.Nos.4726 & 7003 of



respondent/appellate authority and the second respondent is directed to consider the said appeals only in respect of the proportionality of the punishment imposed and pass fresh orders within a period of three months from the date of receipt of a copy of this order.”

4. The petitioners herein are also similarly placed like the petitioners in the said batch of matters. The appeals that were filed by the petitioners herein before the 4th respondent were rejected/disposed of without going into the aspect of adequacy or proportionality of the punishment that was imposed on the petitioners. Further, it is also brought to the notice of this Court by the learned counsel for the petitioner that the appellate authority, in terms of the learned Division Bench order, passed an order afresh by order dated 17.10.2014, exonerating all the petitioners therein, in the light of the orders passed in W.P.No.1365 of 2011 dated 10.12.2012.

5. In the light of the above, this Court is of the considered view that it would be appropriate to remand these two matters as well in the light of the orders passed by the learned Division Bench, dated 07.07.2014 as referred above. In the light of the above, the impugned orders passed by the appellate authority as well as revisional authorities vide No V-15014/L&R/SS/Rev/AR/2010-713 dated 03.09.2010, No V-



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11014/22/LR/SZ/2010/3829 dated 30.06.2010 in W.P.No.4726 of 2011 and No V-15014/L&R/SS/Rev/NGL/2010-9233 dated 16.11.2010, No V-11014/22/LR/SZ/2010/5220 dated 30.08.2010 in W.P.No.7003 of 2011 are hereby set aside and the 4th respondent/appellate authority is further directed to consider the respective appeals only in respect of proportionality of the punishment imposed and pass fresh orders within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, both the writ petitions are disposed of. Connected miscellaneous petitions, if any, shall stand closed. No costs.

05.06.2025

dpa
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

1. The Secretary,
Union of India,
Ministry of Home Affairs,
New Delhi.



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