



WP NO.33004 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.08.2025

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 33004 of 2012

C.Sokkalingam

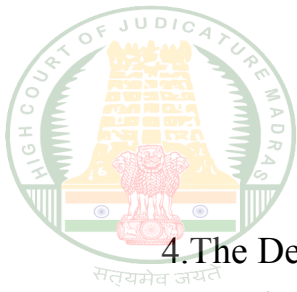
..Petitioner

Vs

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

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

3.The Inspector General,
Central Industrial Security Force,
Southern Sector,
New War Memorial, Chennai -600009.



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4.The Deputy Inspector General
Central Industrial Security Force
South Zone, Rajaji Bhawan,
Besant Nagar, Chennai -600090.

5.The Commandant,
Central Industrial Security Force Unit,
Tuticorin Port Trust,
Tuticorin.

..Respondents

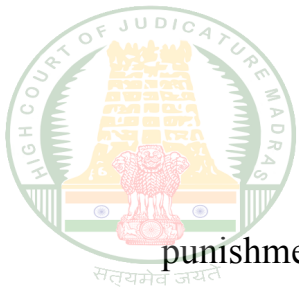
Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified mandamus, calling for the records relating to the order NO.V-15014/1&r/ss/Rev/Sokka/2012 dated 31.5.2012 passed by the 3rd respondent confirming the order of the 4th respondent in his order NO.V-11014/Maj/SS/2011/1816 dated 20.2.2012 confirming the order of the 5th respondent in his order NO.V-15014/DISC/Maj-01/CS/11/4012 dated 19.10.2011 and quash the same and to direct the respondents to pay all benfits

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.T.V.Krishnamachari, CGSSC

ORDER

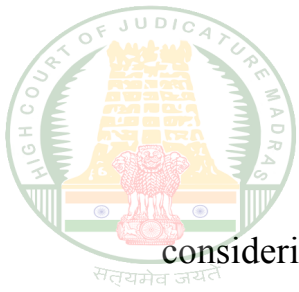
The captioned writ petition has been filed seeking the issuance of a writ of certiorarified mandamus, to quash the order dated 31.05.2012 passed by the third respondent, which confirms the order passed by the fourth respondent dated 20.02.2012. By the said order, the petitioner was imposed with the



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punishment of reduction of pay by three increments, from Rs.9,710/- + Grade Pay Rs.2,800/- to Rs.8,640/- + Grade Pay Rs.2,400/- in Pay Band-I, for a period of five years with effect from 01.11.2011. It was further directed that during the period of reduction, the petitioner would not be entitled to earn any increments, and upon expiry of the said period, the reduction would have the effect of postponing his future increments. The period of suspension from 04.02.2011 to 23.04.2011 was regularized as suspension only, and it was held that the petitioner was not entitled to any amount beyond the subsistence allowance already paid.

2. The petitioner, while serving as Head Constable in the Central Industrial Security Force (CISF), was served with a memorandum of charges, alleging that he was found collecting illegal gratification from port users during the course of his official duty. The petitioner submitted his explanation denying the allegations. However, the Enquiry Officer, not being satisfied with the explanation, proceeded to conduct a departmental enquiry. At the conclusion of the enquiry, the charges were held to be proved, and a report was submitted to the disciplinary authority (fourth respondent), who then issued a show cause notice calling upon the petitioner to submit his further response. The petitioner submitted his reply; however, the disciplinary authority, without adequately



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considering the same, proceeded to pass the impugned order of punishment.

Aggrieved by the said order, the petitioner preferred a statutory appeal before the appellate authority (third respondent), which came to be dismissed by order dated 31.05.2012, thereby confirming the punishment imposed. Aggrieved by the same, the present writ petition has been filed.

3. The arguments advanced by the learned counsel for the parties and the materials placed on record have been duly considered by this Court.

4. The sole charge against the petitioner is that while on official duty, he allegedly accepted illegal gratification from port users. In support of this charge, the prosecution relied primarily on CCTV footage, wherein the petitioner is seen receiving money from an individual identified as a port user. However, it is crucial to note that no formal complaint was ever lodged by any port user alleging demand or acceptance of bribe by the petitioner. Furthermore, there is no other corroborative evidence to substantiate that the money allegedly received by the petitioner was in the nature of illegal gratification or was received in consideration for performing or omitting to perform any official duty.



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5. During the course of the enquiry proceedings, the witnesses examined on behalf of the department categorically stated that they had not witnessed the petitioner demanding or receiving any illegal gratification. The mere act of receiving money, without any supporting evidence that it was accepted as a quid pro quo, would not amount to illegal gratification in the absence of a motive or consideration linked to official duty. The evidentiary threshold required to sustain the serious charge of corruption or moral turpitude has not been met in the present case.

6. In such circumstances, this Court is of the considered view that the impugned orders passed by the respondents suffer from perversity and legal infirmity, having been passed without adequate evidence to establish the alleged misconduct. The punishment imposed is therefore not legally sustainable and is liable to be set aside.

7. Accordingly, the impugned punishment order dated 20.02.2012 passed by the fourth respondent, as confirmed by the third respondent in order dated 31.05.2012, is hereby quashed.



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8. The respondents are directed to pay the petitioner all the monetary benefits flowing from this order within three months from the date of receiving this order. The writ petition stands allowed. There shall be no order as to costs

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Index : Yes

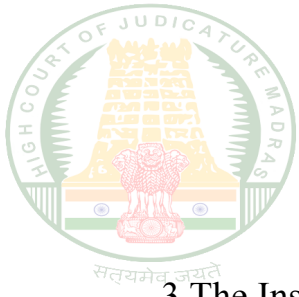
Internet : Yes

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To

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HEMANT CHANDANGOUDAR, J.

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