



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

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THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP.No.32053 of 2013 & MP.No.1 of 2013

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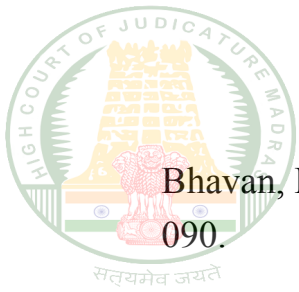
WP No. 1908 of 2019 & WMP.No.2112 of 2019

P.V.H.P.Rao,
Head Constable
No.844580029, B.Company, Central
Industrial Security Force Unit, Neyveli
Lignite Corporation Ltd., Neyveli,
Cuddalore District.

Petitioner in both WPs

Vs

1. Union of India,
Rep. by its Secretary to the
Government, Department of Home
Affairs, New Delhi.
- 2.The Director General.
CISF Head Quarters, No.13, C.G.O.
Complex, Lodhi Road, New Delhi 110
003.
- 3.The Deputy Inspector General,
Central Industrial Security Force,South
Zone Head Quarters, D- Wing, Rajaji



Bhavan, Besant Nagar, Chennai 600
090.

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4.The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation Ltd.,
Neyveli Cuddalore District.

5.The Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation Ltd.,
Neyveli, Cuddalore District.

Respondents in both WPs

PRAYER IN WP.No.1908 of 2019:

Writ Petition filed under Art.226 of the Constitution of India praying for issuance of writ of certiorarified mandamus to call for the records relating 4th respondent to the Office Memorandum No.V-15014/CISF/NLC/Disc/Maj/Appeal /PVHP Rao/2018 - 9446, dated 25/12/2018 and show Cause Notice by the 4th respondent his his No.V-15014/CISF/NLC/Disc/Maj/Appeal/PVHPRao/2018-87, dated 02/03/01/2019 received by the petitioner on 05/01/2019 and quash the same and direct the respondents to pay all the monetary benefits to the petitioner

PRAYER IN WP.NO.32053 OF 2013:

Writ Petition filed under Art.226 of the Constitution of India praying for issuance of writ of certiorarified mandamus to call for the records relating to the show cause notice by the 4th respondent dated 14.11.2013 in his Show Cause notice No.11014/NZ/Disc/Appeal-36/2013-551 received by the petitioner on 17.11.2013 proposing to enhance the order of the 5th respondent in his final order No.V-15014/Chpt/PVHPR-01/Disc/2013/3627, dated 31.05.2013 and quash the same and direct the respondents to pay all the monetary benefits to the petitioner.



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WP Nos.32053/2013 & 1908 / 2019



For Petitioner(s): Mr.A.S.Mujibur Rahman
In both Wps.

For Respondent(s): M/s.A.Kumaraguru,
in both Wps. Senior Panel Counsel for R1

COMMON ORDER

Since the petitioner in both the writ petitions and the issue involved is one and the same, both the writ petitions are being disposed of by this common order.

W.P.No.32053 of 2013

2. This writ petition is filed assailing the action of the 4th respondent in issuing show cause notice dated 14.11.2013 proposing to enhance the punishment imposed by the 5th respondent, vide his order dated 31.05.2013.

W.P.No.1908 of 2019

3. This writ petition is filed assailing the action of the 4th respondent in issuing the second show cause notice dated 02/03.01.2019, whereby, the petitioner was called upon to show cause as to why penalty awarded by the

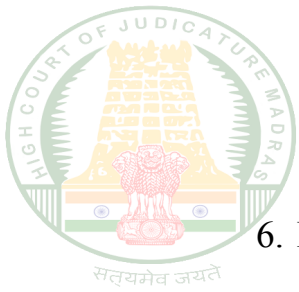


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disciplinary authority vide order dated 31.05.2013 should not be enhanced to that of compulsory retirement from service with full pensionary benefits, similar to the action proposed under show cause notice dated 14.11.2013 issued earlier.

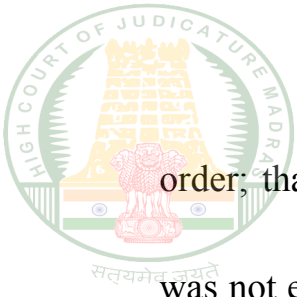
4. Heard Mr. A.S.Mujibur Rahman, learned counsel for the petitioner and Mr.A.Kumaraguru, learned Senior Panel Counsel for the respondent and perused the records.

5. Petitioner contends that aggrieved by the action of the 4th respondent in issuing show cause notice dated 14.11.2013 (received on 17.11.2013), whereby, the 4th respondent sought to enhance the punishment awarded by the disciplinary authority i.e., 5th respondent vide his proceedings dated 31.05.2013 to that of compulsory retirement from service with full pensionary benefits, he had approached this court by filing the writ petition vide W.P.No.32053 of 2013, on the ground that initiation of said action by the 4th respondent is contrary to Rule 54 of CISF Rules 2001; and that this Court had granted interim relief restraining the respondents from proceeding further with the show cause notice.



6. It is the further case of the petitioner that during the pendency of the above mentioned, writ petition, the respondents have issued show cause notice once again on 2/3-01-2019 seeking to enhance the punishment as imposed by the disciplinary authority vide his proceedings dated 31.05.2013 and thus, he has approached this court by filing W.P.No.1908 of 2019 since, against the earlier similar action proceedings initiated, he had approached this court by filing writ petition vide W.P.No.32053 of 2013 and the order of stay was granted by this court in the said writ petition is subsisting.

7. *Per contra*, the leaned counsel appearing on behalf of the respondents submits that the petitioner instead of submitting explanation to the show cause notice dated 14.11.2013, had approached this court by filing writ petition vide W.P.No.32053 of 2013 and obtained an order of interim stay restraining the respondents from proceeding further with the matter; that on account of the orders of the Honourable Supreme Court in ***Asian Resurfacing of Road Agency (P) Ltd Vs. CBI***, wherein, it was held that an order of stay shall automatically expire after six months from the date of the order, unless extended by an express



order; that as the interim stay granted by this court in W.P.No.32053 of 2013 was not extended further by an express order, the respondent authorities have

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issued a second show cause notice dated 2/3-01-2019 reiterating the contents of the show cause notice dated 14.11.2013; and that against the said show cause notice, the petitioner had approached this court and filed writ petition vide W.P.No.1908 of 2019.

8. On behalf of the respondents, it is further contended that subsequently the decision in *Asian Resurfacing of Road Agency (P) Ltd Vs. CBI*, has been overruled by a court bench of the Apex Court in the case of *High Court Bar Association, Allahabad v. State of UP and others* and as such, the challenge to the show cause notice dated 14.11.2013 would continue to operate.

9. Learned counsel appearing on behalf of the respondents further submitted that since, the challenge in both the writ petitions is to the show cause notices issued by the respondent No.4, the petitioner ought to have submitted his reply/explanation for it to be considered by the authority issuing the show cause notice and the petitioner ought not have been approached this



court invoking writ jurisdiction against the show cause notice.

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10. I have taken note of the respective submissions.

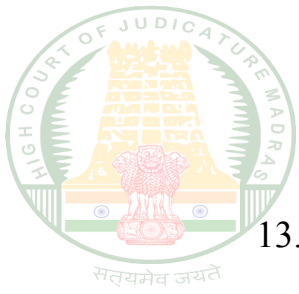
11. At the outset, it is to be noted that the challenge to the show cause notice in a Writ Petition under Art.226 of the Constitution of India is limited and can be maintained only on four grounds as enumerated by the Apex Court in the decision of *Whirlpool Corporation vs. Registrar of Trade Mark. Mumbai and others 1998 (8) SCC 1*, namely, 1. violation of principles of natural justice 2. implementation of Fundamental Rights 3.where notice is without jurisdiction and 4. *vires* of the Act under challenge.

12. In the present case, the challenge to the impugned show cause notice is not on any of the aforesaid four grounds for the petitioner to maintain the present writ petitions. Since, the impugned proceedings both in the writ petitions being a show cause notice, to which, the petitioner ought to have submitted his explanation, by taking all the available pleas open to him in law and the petitioner instead of submitting an explanation, having assailed the show cause notice before this court invoking writ jurisdiction relying on Rule



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54 of CISF Rules, conferring power on the Revisional Authority to pass an order within a period of six months from the date of service of the order, which is sought to be revised. In the fact of the present case, the order of the 5th respondent is dated 31.05.2013. The petitioner even before the expiry of six months time provided under the Rule 54 of the Rules on the 4th respondent authority issuing Show Cause Notice seeking to revise the order passed by the 5th respondent assailed the same by filing a writ petition and also obtained an order of stay from this court which is in force till date. Though the respondent on account of the judgment of the Apex Court in ***Asian Resurfacing of Road Agency (P) Ltd Vs. CBI***, wherein, the Apex Court had held that order of stay would stand vacated automatically on expiry of six months, claimed to have issued the second show cause notice, in view of the subsequent decision of the Apex Court, this Court is of the view that the second show cause notice dated 2/3.01.2019 as issued containing the same imputations as contained in show cause notice dated 14.11.2013 which has been stayed by this Court is not warranted; and that the respondent authorities are to be directed to proceed only on the basis of the show cause notice issued earlier on 14.11.2013.



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13. Since, in the facts of the present case, the petitioner having not submitted any explanation to the show cause notice dated 14.11.2013 and having rushed to this Court by filing W.P.No.32053 of 2013 and this court having granted stay therein, and the petitioner having submitted an explanation on 06.02.2019 in response to the 2nd Show Cause Notice issued, which is now held to be unwarranted, this court is of the view that the respondent are to be directed to consider the aforesaid explanation submitted by the petitioner to the show cause notice dated 02/03.01.2019 as explanation submitted to the show cause notice dated 14.11.2013 and take further action thereon, by passing a speaking order in accordance with law.

14. As the matter has been pending since, 2013, this Court is also of the view that the petitioner can be granted two weeks from the date of receipt of a copy of this order to submit additional explanation/reply to the show cause notice dated 14.11.2013, if he so desires and on petitioner submitting his additional explanation/reply, if any, within the said period, the respondent authorities are granted further time of four weeks time there from to pass



appropriate orders by considering the reply dated 06.02.2019 and also additional explanation/reply if any, submitted and communicate the order to the petitioner.

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15. Subject to the above directions, both these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

msr

22-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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

2. The Director General.
CISF Head Quarters, No.13, C.G.O.
Complex, Lodhi Road, New Delhi 110
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3. The Deputy Inspector General,
Central Industrial Security Force, South
Zone Head Quarters, D- Wing, Rajaji
Bhavan, Besant Nagar, Chennai 600
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4.The Deputy Inspector General,
Central Industrial Security Force Unit,
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Neyveli Cuddalore District.

5.The Commandan,
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Neyveli, Cuddalore District.



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T.VINOD KUMAR J.

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WMP.No.2112 of 2019**

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