



W.P. No. 20654 of 2018

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 20.02.2025**

**CORAM**

**THE HON'BLE Ms. JUSTICE R.N.MANJULA**

**W.P. No. 20654 of 2018**

Dundangi Murali

... Petitioner

-VS-

1. The Union of India,  
Represented by its Secretary to Government,  
Ministry of Home Affairs,  
New Delhi - 110 001.
2. The Director General,  
Central Industrial Security Force,  
Head Quarters,  
CGO Complex,  
Lodhi Road,  
New Delhi - 110 003.
3. The Inspector General,  
Central Industrial Security Force,  
South Sector, Head Quarters,  
Chennai Port Trust Campus,  
Chennai - 600 009.
4. The Deputy Inspector General,  
Central Industrial Security Force,  
South Zone, Head Quarters,  
Besant Nagar, Chennai - 600 090.
5. The Senior Commandant,  
Central Industrial Security Force Unit,  
Visakapattinam Steel Plant,  
Visakapattinam - 31.
6. Mrs. Chhaya Adak

... Respondents



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**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 3<sup>rd</sup> respondent dated 04.01.2018 in his Order No.V-15016/CISF/SS/L&R/Rev/DM/02/2018-182 confirming the order passed by the 4<sup>th</sup> respondent dated 21.12.2016 in his order No.11014(1)/App/55/Disc/DM/SZ/2016-8239 modifying the order passed by the 5<sup>th</sup> respondent in his Final Order No.V-15014/VSP/DISC/MAJ-04/DM/2016/7780 dated 18.08.2016 and quash the same and to direct the respondents to take the Petitioner into the strength of CISF as Constable/GD with all monetary benefits.

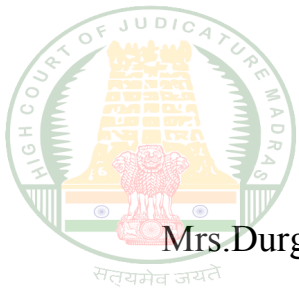
For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mrs.Durga Rani,  
Central Government Standing Counsel

### **O R D E R**

This writ petition has been filed challenging the order passed by the third respondent dated 04.01.2018 in his Order No.V-15016/CISF/SS/L&R/Rev/DM/02/2018-182 confirming the order passed by the fourth respondent dated 21.12.2016 in his order No.11014(1)/App/55/Disc/DM/SZ/2016-8239 modifying the order passed by the fifth respondent in his Final Order No.V-15014/VSP/DISC/MAJ-04/DM/2016/7780 dated 18.08.2016 and to direct the respondents to take the Petitioner into the strength of CISF as Constable/GD with all monetary benefits.

**2.** Heard Mr.A.S.Mujibur Rahman, learned counsel for the petitioner,



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Mrs.Durga Rani, learned Central Government Standing Counsel for the

respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner has been imposed with the punishment of compulsory retirement on the charge of proved misconduct. The short submission of the learned counsel for the petitioner is that the petitioner has not given with the fair opportunity and he has not given with the defense assistance during the course of the enquiry. His further submission is that the enquiry officer report has been returned by the disciplinary authority on certain observations and thereafter, the enquiry officer has re-submitted the enquiry report and hence, there is an interference in the enquiry proceedings by the disciplinary authority. He has further stated that the following disputed fact has not been proved :-

*“01. On 18.03.2016 No.001370155 Const/GD-Dundangi Murali of CISF Unit of CISF Unit VSP (V) when deployed in AE-2016 in the state of Assam and West Bengal in Coy No.412 and staying at Nathaniyal Murmu College, Dakhin Dinajpur misbehaved with Insp/Exe Atul Kumar, the Coy Commander taking plea of his self depression and also went to the extent of threatening him of dire consequences.”*



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4. The learned counsel for the respondents submitted that fair opportunity has been given to the petitioner at each and every stage of the enquiry and it is the petitioner who refused to get the assistance of the defense and hence, he cannot blame the enquiry officer for alleging that he was not given with any defense assistance. Further, all the disputed facts also proved and it is only because of that, the petitioner has been imposed with the punishment of removal from service by the disciplinary authority and it is the appellate authority who has reduced the punishment of removal from service to compulsory retirement.

5. On perusal of the enquiry report, the petitioner has been charged for misconduct and misbehaved with the Inspector who is superior-in-rank. In the enquiry report itself, it has been made clear that the petitioner did not choose to avail any defense assistance and he opted to defend his case by himself. The respondent can be blamed only if they did not offer any defense assistance to the petitioner. The petitioner has been given with the opportunity to cross-examine all the witnesses. In fact, he has even alleged that the enquiry officer was not fair and he had threatened him during the enquiry before the appellate authority and the revision authority. While taking this ground on appeal and revision, the Revisional authority had looked into it and had



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categorically observed that the petitioner could not have been participated in the full-fledged enquiry if the enquiry officer was biased or intimidating, and he would have sent a complaint in that case to the higher authority. As the petitioner did not take any action of that sort, it is concluded that the allegations that the enquiry officer was not fair was not accepted. As the petitioner himself had opted to defend himself he cannot turn around now and say that he was not given with any defense assistance.

6. The manner in which the enquiry has been conducted would show that the petitioner has been given with the fair opportunity at every stage of the enquiry and there is no unfairness in the process of the enquiry. Insofar as the return of the enquiry report is concerned, the Presenting Officer has been given a brief reason in the enquiry report itself. The return was made to the presenting officer by the enquiry officer on certain observation and that has been rectified and re-submitted on the same day. Similarly, the disciplinary authority has also stated that the enquiry report was sent to the enquiry officer on certain observations for rectification. Even this has been done by the enquiry officer on the very same day and has re-submitted. The time taken for rectification would only show that it is sent for rectifying certain clerical errors only, and not on the merits of the matter. On that score, it cannot be presumed that the disciplinary



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authority has interfered in the course of enquiry. The petitioner did not raise the

above reason as a ground in his appeal or revision filed before the fourth and third respondents respectively. The enquiry report and the orders of the appellate authority and the revisional authority are seen to be supported by reasons and those orders are very much speaking in nature.

7. Insofar as the submissions about the disputed fact is concerned, it is seen in the enquiry officer's report itself that the petitioner did not visit his Doctor for treatment for the complaint of depression before 18.03.2016 or after the incident i.e., from 18.03.2016 till 04.05.2016 approximately 45 days. It is further observed that free medical facility and psychiatrist specialist are available at VSGH Hospital. The petitioner did not avail any treatment facility. If the petitioner was suffering with depression, it is for him to prove the said fact. In the absence of any proof presented by the petitioner, the enquiry officer is correct in coming to the conclusion that the petitioner did not suffer from any depression.

8. As the punishment of removal from service imposed by the fifth respondent /disciplinary authority has been reduced to compulsory retirement



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basing on the sound reasons, I do not find any grounds made out for interfering

with the impugned orders.

9. Accordingly, this writ petition is dismissed. No costs.

20.02.2025

Index: Yes/No

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

*Maya*

To

1. The Secretary to Government of India,  
Ministry of Home Affairs,  
New Delhi - 110 001.
2. The Director General,  
Central Industrial Security Force,  
Head Quarters,  
CGO Complex,  
Lodhi Road,  
New Delhi - 110 003.

**R.N.MANJULA, J.**

*Maya*

3. The Inspector General,



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Central Industrial Security Force,  
South Sector, Head Quarters,  
Chennai Port Trust Campus,  
Chennai - 600 009.

4. The Deputy Inspector General,  
Central Industrial Security Force,  
South Zone, Head Quarters,  
Besant Nagar, Chennai - 600 090.
5. The Senior Commandant,  
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