



W.P.No.31086 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM:

THE HONOURABLE MR JUSTICE K.SURENDER

W.P.No. 31986 of 2016 and

WMP No. 27716 OF 2016

S.Pushpa Raju
S/o.Samuel, Quarters No.108,
SRP Complex, SCCL, Singareni Post,
Naspur, Adilabad District, Telengana State

.. Petitioner

Versus

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

2.The Deputy Inspector General
Central Industrial Security Force,
South Zone, Head Quarters, D-Block,
First Floor, Rajaji Bhawan,
Besant Nagar, Chennai-600 090

3.The Commandant
Central Industrial Security Force Unit,
Neyveli Lignite Corporation, Neyveli,



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Cuddalore District

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4.The Sector Commander
Central Industrial Security Force Unit,
Mine-II, Neyveli Lignite Corporation,
Neyveli, Cuddalore District

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent dated 14.06.2013 in his Order No. V-15014/CISF/NLC/Disc/Appeal-37/SPR/2013/6078 confirming the order of the 3rd respondent dated 19.03.2013 in his Order No. V-15014/CISF/NLC/Disc/Appeal-37/SPR/2015/3015 and confirming the final order passed by the 4th respondent dated 10.10.2012 in his Final Order No. V-15014/CISF/SC-M-II/Disc/SP/12-418, and quash the same and to direct the respondents to pay all monetary benefits.

For Petitioner : Mr.A.S.Mujbur Rahman

For Respondent(s): No appearance

ORDER

This Writ Petition has been filed, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order



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passed by the 2nd respondent dated 14.06.2013 in his Order No. V-15014/CISF/NLC/Disc/Appeal-37/SPR/2013/6078 confirming the order of the 3rd respondent dated 19.03.2013 in his Order No. V-15014/CISF/NLC/Disc/Appeal-37/SPR/2015/3015 and confirming the final order passed by the 4th respondent dated 10.10.2012 in his Final Order No. V-15014/CISF/SC-M-II/Disc/SP/12-418, and quash the same and to direct the respondents to pay all monetary benefits.

2. The facts, in brief, necessary for disposal of the Writ Petition, are that a charge memo, dated 07.09.2012 was issued to the petitioner while he was working as ASI, alleging that during his duty hours, a theft was committed in his area of responsibility and approximately 25 meters of 11 KV cable was stolen and taken away by the miscreants. After conducting an enquiry and based on the findings of the enquiry report, the Disciplinary Authority, i.e., 4th respondent herein, imposed a punishment of fine to an



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amount equivalent to two days of his pay. Consequently, the appeal and the revision filed by the petitioner against the award of punishment, also came to be rejected by the 3rd and 2nd respondents respectively.

3. The learned counsel for the petitioner would submit that though minor punishment was awarded for the alleged lapse on the part of the petitioner, however, the petitioner was not given any opportunity of being heard before the Disciplinary Authority which is an violation of Rule 37 of the Central Industrial Security Force Rules, 2001.

4. It is not disputed that the punishment inflicted on the petitioner is minor. Rule 37 of the Central Industrial Security Force Rules, 2001 contemplates procedure while imposing minor penalties.

5. Rule 37 of the said Rule requires that no minor penalty can be



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imposed

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(i) Unless any Officer is informed in writing about the imputations of misconduct and reasonable opportunity has been given for making representation.

(ii) Holding an enquiry if the disciplinary authority so desires;

(iii) Considering the representation, given by the Officer, the Enquiry Officer can record his findings of imputation of misconduct.”

6. The Hon'ble Supreme Court in ***“O.K.BHARDWAJ Vs. UNION OF INDIA AND OTHERS (2001) 9 SUPREME COURT CASES – 180”***, held as follows:-

“2. The High Court has recorded its opinion on two questions: (i) that the punishment imposing stoppage of three increments with cumulative effect is not a major penalty but a minor penalty; (ii) in the case of minor penalties, “it is not necessary to give opportunity to the employee to give



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explanation and it is also not necessary to hear him before awarding the penalty”: a detailed departmental enquiry is also not contemplating in a case in which minor penalty is to be awarded.

3. While we agree with the first proposition of the High Court having regard to the rule position which expressly says that “withholding increments of pay with or without cumulative effect” is a minor penalty, we find it not possible to agree with the second proposition. Even in the case of a minor penalty an opportunity has to be given to the delinquent employee to have his say or to file his explanation with respect to the charges against him. Moreover, if the charges are factual and if they are denied by the delinquent employee, an enquiry should also be called for. This is the minimum requirement of the principle of natural justice and the said requirement cannot be dispensed with.”

7. As seen from the record, at the time of handing over the charge by the petitioner to Const/GD S K Meeravali, on 21.05.2012, he endorsed



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that 'everything is OK' and later, the said Meeravali, in turn handed over his charge of duty to HC/GD V Tellis, who also found the cable is in OK condition. However, later, it was found that 25 meters of 11 KV cable was missing. Therefore, in the given circumstances, it cannot be specifically said that the theft had occurred only when the petitioner was duty. In such view of the matter, the punishment imposed on the petitioner, cannot be sustained. Accordingly, the punishment imposed and confirmed on the petitioner by the respondents vide orders impugned in the Writ Petition, are hereby set aside.

8. The Writ Petition is allowed and the respondents are directed to pay the amount recovered from the petitioner without interest to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMP is closed.



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Index: Yes/No

Neutral Citation: Yes/No

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To

1. The Union of India

Rep by its Secretary to Government,
Ministry of Home Affairs, New Delhi

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