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WP No. 14147 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

**WP No. 14147 of 2025
and WMP Nos.15894 of 15896 of 2025**

Sujith Kumar Singh
CISF Constable GD No.130714781 CISF Unit,
NLC Neyveli.
Presently residing at
Chandramari Railway Colony,
Near Balbodhan, Asansol, Bardhaman,
West Bengal-713 302.

Petitioner(s)

Vs

1. The Director General CISF Head Quarters
No.13, CGO Complex, Lodhi Road,
New Delhi 110 003.

2.The Inspector General,
Training Sector Hqr, CGO Complex,
New Delhi 110 003.

3.The Deputy Inspector General,
CISF Unit, NLC Neyveli.

4.The Senior Commandant,
CISF Unit, NLC Neyveli.



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5. The Deputy Commandant,
CISF Unit, NLC Neyveli.

6. Firdaus Ali,
Enquiry Officer, Assistant Commandant,
CISF Unit, NLC Neyveli.

Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records of the respondents culminating in the charge memorandum Ref.No.V-15014/CISF/NLC/Disc/Maj-(01)/SKS/2025-56 dated 03.01.2025 issued by the Senior Commandant, CISF Unit, NLC Neyveli, fourth respondent herein, under Rule 36 of the Central Industrial Security Force Rules, 2001 and to quash the same.

For Petitioner(s): Mr.B.Harikrishnan

For Respondent(s): Ms.V.J.Latha (CGSC)

ORDER

This writ petition has been filed in a nature of certiorari seeking to call for the records relating to the charge memorandum Ref.No.V-15014/CISF/NLC/Disc/Maj-(01)/SKS/2025-56 dated 03.01.2025



issued by the Senior Commandant, CISF Unit, NLC Neyveli, fourth

respondent herein, under Rule 36 of the Central Industrial Security Force

Rules, 2001 and to quash the same.

2. In the affidavit filed in support of this writ petition, the petitioner, who is working as a CISF Constable at CISF Unit, NLC Neyveli, but, now residing at Balbodhan, Asansol, Bardhaman, West Bengal, had stated that he had been placed under suspension on 10.10.2023 owing to various acts of misconduct alleged by the respondents against the petitioner. Later a charge memorandum had been issued on 07.03.2024 raising seven distinct charges. The petitioner had been called upon to give written statement, in which, he had denied all the charges. Thereafter, disciplinary proceedings were initiated and an Enquiry Officer had been appointed. It had been further stated that the Enquiry Officer had given a report that the charges have been proved. The petitioner had given objections to the enquiry report. However, the fourth respondent had ignored the report and passed final order on 27.08.2024. In view of the fact that the enquiry had concluded, suspension of the petitioner had been revoked on



02.07.2024. The revision filed is now pending before the authority. It had been

stated that pursuant to another charge memorandum now issued against the

petitioner, it had been stated that the petitioner had claimed to liaison with the

Punjab National Bank, Neyveli Branch and introduced the members of the unit,

who required loan and had functioned as a liaison officer of the Punjab National

Bank, Neyveli Branch, for the loans sanctioned by the bank. The loan amount

thus sanctioned for about seven persons went to around Rs.1.27/- crores from

Punjab National Bank, Neyveli Branch and independently also from Bank of

Baroda amounting to Rs.2.36/- crores. It had been further stated that for this act

of liaisoning, the petitioner had submitted forged and fraudulent documents of

fake applicants to the Bank, on the basis of which, loans had been issued. He

had thus involved himself in financial fraud also. More importantly, the

petitioner had taken this particular assignment without any authority of the

respondent. It had also been stated that eventhough a punishment had been

imposed against him earlier, still the petitioner continued to indulge in acts of

indiscipline. In the sixth charge in the impugned charge memorandum,

independent of the above, it had been stated that the petitioner did not report for



the shift duty between 1.00 p.m. to 9.00 p.m. on 23.12.2024 and remained absent. As a matter of fact, the Commander received a call from the wife of the petitioner stating that the petitioner had left the house going to office, but, had just disappeared after that.

3. The learned counsel for the petitioner submitted that the petitioner is now residing in Balbodhan, Asansol, Bardhaman, West Bengal. He initially stated that the petitioner would participate in the enquiry, but, wanted two conditions to be imposed viz.

- 1) the petitioner would appear through video conference, since the petitioner fears for his life at Neyveli; and
- 2) final orders should not be passed on conclusion of the enquiry.

4. It is to be noted that that the petitioner has invited the charges by involving himself in acts of commission and omission. When he was posted at CISF-Unit, NLC Neyveli, he was expected to discharge his duty only within the confinements of the unit. But, he had wandered around the premises of Punjab National Bank and Bank of Baroda and produced various fake documents, acted



as liaison officer and facilitated loans for about Rs.2.36/- crores with respect to Bank of Baroda and Rs.1.27 crores with respect to Punjab National Bank. Such

serious charges require deep examination, in which, documents have to be examined, which include the documents submitted for sanction of the loans by the Bank officials and also witnesses have to be examined, who were duped in such fraudulent documents.

5. It will only be appropriate if the petitioner present himself in person during the enquiry, as these documents will have to be tested during the course of enquiry regarding the ID proof, admissibility, veracity, genuineness and relevance. This cannot be done through video conference. If there is a discussion to be conducted between the petitioner and his Senior Officers, then the petitioner can avail of the video conference and have the discussion sitting in an air-conditioned room in Asansol, Barddhaman, West Bengal. But, he is facing serious charges. The charges as stated above, require the petitioner's personal presence. The Bank officials will have to identify the petitioner, which is very important to establish that he was the person, who had given fraudulent



documents for facilitating loans. Therefore, his presence is required and necessary. Those who had been duped to get loans will have to speak about their conversations with the petitioner, for which, he will have to be physically identified and documents will also have to be identified. Therefore, an order cannot be issued for an enquiry of this nature to be conducted through video conference.

6. The learned counsel for the petitioner pointed out that Rule 3 of the Central Civil Services (Conduct) Rules, 1964, contemplates about maintenance of integrity, maintenance of devotion to duty, not doing any act which is unbecoming of a Government Servant, committing to upholding the supremacy of the Constitution and democratic values, defending and upholding the sovereignty and integrity of the country and maintaining high ethical standards and honesty and maintaining political neutrality. The learned counsel stated that the charges framed against the petitioner did not fall within any of the ingredients contemplated above.

7. I disagree.



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8. Presenting fraudulent and fake documents before the bank cannot be termed as maintaining integrity. It damages integrity, particularly, when the petitioner is an uniformed personnel. That uniform would have given the bank officials added trust to believe the words of the petitioner. Therefore, he had acted in manner unbecoming of a Government official and unbecoming of an uniformed service personnel. He had not maintained his integrity. He should not have involved himself in financial transactions and if anybody seeks loan, they should have approached the bank and obtains loans on the strength of the documents they produce. The petitioner has no business to liaison and become an agent, commonly called as tout, to enable the bank to sanction loans to various individuals based on fraudulent documents.

9. The learned counsel for the petitioner placed reliance on the Division Bench judgment of the Calcutta High Court in ***G.D.Paul vs. Union of India & others***¹, in which, the Head Constable of the CISF had questioned the charges, which had been issued against him. The Division Bench of that court stated that a legal fiction is found under Section 15 of the CISF Act and it would

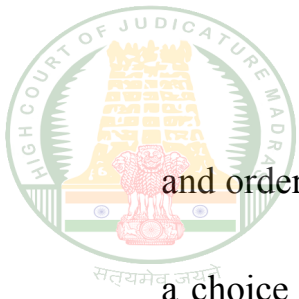
¹ decided on 23.12.2008 in FMA No.1063 of 2007 & CAN No.6953 of 2006



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imply that the Code of Criminal Procedure would not apply to the members of the force and the mechanism for trial reflected elsewhere in the Act would govern them. The Division Bench of the Calcutta High Court, in the very same paragraph, had stated that Sections 13 and 18 of the CISF Act will preclude such a construction of Section 15(1). Any individual whether he is a civilian or an uniformed personnel, if he violates the law of the land, will be punished, in the manner as stated in the Penal Code. Thus, the petitioner will necessarily have to face enquiry and there cannot be any exception to it.

10. As a matter of fact, the respondents had also approached the jurisdictional police station seeking to register a First Information Report against the petitioner. This also requires the presence of the petitioner physically at Neyveli. The claim that he is facing physical danger is unsubstantiated and has been raised to avoid personal appearance. I am not inclined to take up that particular assertion with any credence and the same is rejected. The petitioner must be physically present before the officials for enquiry. The Charge memo cannot be quashed. The respondents must proceed with the disciplinary enquiry



and orders should be passed based on the evidence on record. The petitioner has a choice to remain incognito and remain wherever he is. It is also to be noted that his wife is also searching for him. In the interest of himself, the petitioner must surface at Neyveli, face the charges and participate in the disciplinary proceedings.

11. I am not prepared to grant any concession to the petitioner, as the charges are serious in nature, the same have to be investigated in the manner known to law.

With the above observations, this writ petition stands dismissed. No costs.

Connected C.M.Ps. are closed.

22-04-2025

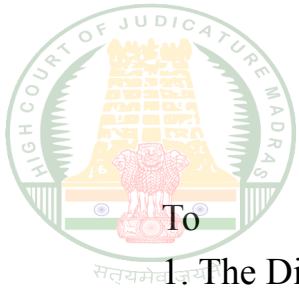
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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