



W.P.No.38034 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.38034 of 2016

B.S.Ravi

S/o.Srivasayya

... Petitioner

VS.

1. The 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 -110 003.
3. The Inspector General,
Central Industrial Security Force,
Southern Sector, New War Memorial,
Chennai Port Trust Complex,

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Chennai – 600 009.

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4. The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation Ltd.,
Neyveli.
5. The Senior Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation Ltd.,
Neyveli.
6. The Deputy Commandant,
Central Industrial Security Force Unit,
Airport Security Guard,
Trichy.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 5th respondent dated 23.06.2016 in his Communication No.V-15014/CISF/NLC/Disc/2015/3889 returning the Mercy Petition submitted by the petitioner on 30.05.2016 to the 4th respondent and quash the same and to direct the respondents to pass orders on the representation of the petitioner dated 30.05.2016 and to grant 2nd MACP Modified Assured Career Progress with effect from July 2015 and to



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pay all benefits.

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For Petitioner : Mr.A.S.Mujibur Rahman
For Respondents : Mr.T.M.Pappiah
Cental Government Standing Counsel
for R1 to R5

ORDER

The captioned writ petition has been filed seeking the issuance of a writ of certiorarified mandamus to quash the order dated 23.06.2016 passed by the fifth respondent, whereby the second revision petition dated 30.05.2016 submitted by the petitioner was returned.

ARTICLE OF CHARGE – I

That No.854502118 HC/GD B.S.Ravi of CISF ASG Trichy, while performing duties at CISF ASG Bangalore on I.S. duty pattern, was deployed in 'A' shift duty from 0600 hrs to 1300 hrs on 13.06.2014 at Domestic OSB Duty Post. At this duty post all personnel entering into Airside area are to be properly frisked



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for preventing carrying of prohibited items to Airside, whereas it was found that on 13.06.2014 during 'A' shift duty period HC/GD B.S.Ravi allowed employees of different agencies working at Bangaluru Airport from Baggage Claim area to Baggage Breakup area through above duty post without frisking on three occasions and was also found carrying out frisking of the staff by remaining seated on a chair leaving the upper body parts completely unchecked on several occasions. The act on the part of No.854502118 HC/GD B.S.Ravi amounts to gross negligence, dereliction of duty and unbecoming a member of force. Hence the Charge.

CHARGE – II

That No.854502118 HC/GD B.S.Ravi of CISF ASG Trichy, while performing duties at CISF ASG Bangalore on I.S.duty pattern, was deployed in 'A' shift duty from 0600 hrs to 1300



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hrs on 13.06.2014 at Domestic OSB Duty Post. During the duty hours, at about 0941 hrs he was found asking the loading staff of Indigo Airlines working at the Baggage Makeup Area (BMA) to assemble at his duty place and thereafter asked one amount the staff to massage his shoulder and back which continued till 0944 hrs, whereas he was not authorized to do so. The act on the part of No.854502118 HC/GD B.S.Ravi amounts to gross misconduct, dereliction of duty and unbecoming a member of Force. Hence the Charge.

2. The Disciplinary Authority, by order dated 27.09.2014, imposed the penalty of a pay fine equivalent to seven days' pay. The petitioner preferred an appeal, and the Appellate Authority, vide order dated 24.11.2014, reduced the penalty to four days' pay. The revision petition filed by the petitioner was dismissed by the Revisional Authority vide order dated



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05.09.2015. Taking exception to the same, the captioned writ petition has been filed.

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3. The learned counsel for the petitioner contended that the impugned order of punishment was passed without conducting a proper enquiry, which is contrary to the Service Regulations governing the respondents and is also in violation of Article 311(2) of the Constitution of India. Hence, the impugned order passed by the respondents is not legally sustainable.

4. Per contra, the learned Central Government Standing Counsel appearing for the respondents submitted that the charges levelled against the petitioner were minor in nature, and therefore, in terms of the relevant Service Regulations governing minor penalties, a full-fledged departmental enquiry was not mandatory. It was further contended that the petitioner was afforded an opportunity to submit his explanation, which was duly considered by the Disciplinary Authority before imposing the penalty. According to the respondents, the punishment imposed is commensurate



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with the gravity of the misconduct and does not suffer from any procedural irregularity or legal infirmity warranting interference under Article 226 of the Constitution of India.

5. The submissions advanced by the learned counsel for the parties and the materials placed on record have been duly considered.

6. A perusal of the order passed by the Revisional Authority reveals that the petitioner was proceeded against under Rule 37 of the CISF Rules, 2001, and was awarded the penalty of pay fine equivalent to seven days' pay by the Disciplinary Authority vide order dated 27.09.2014, for the charges stated supra. Though the said Rules deal with the imposition of minor penalties, there is no provision under the said Rules empowering the authority to dispense with a departmental enquiry. Even in cases involving minor penalties, in the absence of any statutory rule expressly permitting dispensation with an enquiry, the disciplinary authority is bound to conduct an enquiry in accordance with the principles of natural justice, including



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affording the delinquent employee a reasonable opportunity of being heard.

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The imposition of a penalty entails civil consequences.

7. In the present case, the punishment has admittedly been imposed without conducting any enquiry. In the absence of any statutory sanction for dispensing with the enquiry, such an action is arbitrary, discriminatory, and violative of the principles of natural justice. Consequently, the impugned orders of punishment, as well as the appellate and revisional orders confirming the same, cannot be sustained in the eye of law.

8. Accordingly, the captioned Writ Petition is allowed. The order dated 05.09.2015 passed by the fourth respondent and the order dated 23.06.2016 passed by the fifth respondent are hereby set aside. No costs.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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HEMANT CHANDANGOUDAR, J.,

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