



W.P.No.38035 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.38035 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.

... 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 4th respondent dated 29/30.06.2016 in his Appellate Order No.V-15014/CISF/NLC/Disc/Rev-37/BSR/2015/4052 confirming the order of the 5th respondent dated 05.05.2016 in his Order No.V-15014/CISF/NLC/Disc/Maj-(6)/BSR/2016/2725 and quash the same and to direct the respondents to pay all monetary benefits.

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



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ORDER

The captioned writ petition has been filed assailing the order dated 29.06.2016 passed by the fourth respondent, confirming the order of the fifth respondent dated 05.05.2016. By the said order, the petitioner was imposed with the punishment of reduction of pay by one stage, from Rs.11,490/- + Grade Pay Rs.2,800/- to Rs.11,080/- + Grade Pay Rs.2,800/-, in the pay band of Rs.5,200–20,200/-, for a period of two years with effect from 01.06.2016. It was further directed that the petitioner would not earn increments during the period of reduction, and that, on the expiry of the said period, the reduction would have the effect of postponing his future increments.

2. The petitioner, while working as a Constable in the CISF Unit, NLC, Neyveli, was issued a charge memo. The charges levelled against the petitioner read as follows:

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CHARGE – I

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No.854502118 HC/GD B.S.Ravi of 'B' Coy, CISF Unit, NLC Neyveli while on Striking Reserve Duty from 2030 hrs to 0500 hrs on the intervening night of 26/27.12.2015 at 'B' Coy Office, TPS-II Expansion, NLC Neyveli argued with No.140201514 SI/Exe.Pankaj Kumar, In-Charge of 'C' Shift, in an insubordinate manner at about 0440 hrs on 27.12.2015 over telephone in front of other CISF Personnel. The above act on the part of No.854502118 HC/GD B.S.Ravi of 'B' Coy, CISF Unit, NLC Neyveli tantamounts to gross misconduct, indiscipline, insubordination and is highly unbecoming of an enrolled member of a Central Armed Police Force of the Union i.e., CISF.

CHARGE-II



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No.854502118 HC/GD B.S.Ravi of 'B' Coy, CISF Unit, NLC

Neyveli has been awarded 09 punishments during his past service for various acts of indiscipline including misbehaviour, OSL and negligence of duty. Despite awarding of 09 punishments, he did not improve himself and became a habitual defaulter which is highly unbecoming of an enrolled member of a Central Armed Police Force of the Union i.e., CISF.

3. The explanation offered by the petitioner was found to be unsatisfactory. Consequently, a departmental enquiry was conducted, and upon completion of the enquiry, the Enquiry Officer submitted his report holding both the charges against the petitioner to be proved. Thereafter, the petitioner submitted his representation to the second show cause notice. The Disciplinary Authority, after considering the enquiry report, the statements of witnesses and the further explanation submitted by the petitioner,

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imposed the penalty of reduction of pay by one stage for a period of two years. The order passed by the Disciplinary Authority was also confirmed by the Appellate Authority. Taking exception to the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that the sole allegation against the petitioner is that he spoke in a loud voice over the telephone to his superior officer in the presence of other CISF personnel, and that such conduct was treated as misconduct, indiscipline and insubordination. It was contended that the respondents have failed to produce any cogent or reliable evidence in the enquiry to substantiate the charge of misbehaviour. It was further argued that speaking in a loud voice, by itself, does not constitute misconduct, unless it is clearly established that the petitioner had acted in an offensive, rude or insubordinate manner. Therefore, the impugned order passed by the Disciplinary Authority and



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confirmed by the Appellate Authority is not legally sustainable and is liable to be set aside.

5. Per contra, the learned Central Government Standing Counsel appearing for the respondents submitted that the evidence on record, including the statements of witnesses, clearly establishes that the petitioner misbehaved with his superior officer while on duty, which amounts to misconduct under the relevant Service Rules. It was contended that the enquiry was conducted in accordance with the prescribed procedure, and that the impugned orders do not suffer from any legal infirmity warranting interference by this Court.

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

7, Before the Enquiry Officer, the respondents examined seven witnesses, including the Superior Officer (P.W.1) with whom the petitioner is alleged to have argued. P.W.1 deposed that while he was performing shift-



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in-charge duties, he received a telephone call from the petitioner regarding the night checking vehicle. According to P.W.1, he informed the petitioner that the driver had been briefed but had failed to pick up the striking reserve personnel. It was further stated by P.W.1 that the petitioner responded in a loud and rude manner, alleging that P.W.1 had not performed his duties properly, and thereafter disconnected the call. P.W.1 further claimed that he attempted to contact the petitioner again and that the petitioner once again responded rudely.

8. However, except for the vague allegation that the petitioner “replied rudely,” no specific words or expressions allegedly used by the petitioner have been mentioned. None of the witnesses have stated that the petitioner used abusive, derogatory or insubordinate language. Witnesses P.W.2 to P.W.7 merely stated that they overheard the conversation on phone that the petitioner was speaking in a loud voice, but they did not depose that he misbehaved or acted in an insubordinate manner. Further, three of the



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witnesses were stationed at different locations and could not have directly seen or heard the alleged conversation. Hence, their testimony lacks direct evidentiary value and cannot be treated as credible proof of misconduct.

9. The petitioner has consistently taken the defence that, owing to a technical fault in the telephone line, he was compelled to speak in a loud voice. There is no material on record to contradict this explanation. Mere speaking in a loud voice due to technical reasons or communication difficulty, by itself, cannot constitute misconduct or indiscipline, in the absence of any evidence establishing intentional rudeness, disrespect, or insubordination.

10. With regard to Charge No. II, it relates to punishments that had already been imposed on the petitioner for alleged acts of indiscipline in the past. The said previous incidents are wholly unconnected with the present charge and cannot form the basis for initiating or sustaining a fresh



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disciplinary enquiry. Moreover, the Disciplinary Authority has failed to

assign any independent reasons for either accepting the findings of the

Enquiry Officer or for rejecting the explanation submitted by the petitioner.

Such total non-application of mind vitiates the decision-making process and

renders the impugned order arbitrary and violative of the principles of

natural justice. The Appellate Authority, without examining these vital

aspects in the proper perspective, has mechanically affirmed the order

passed by the Disciplinary Authority.

11. In the light of the foregoing discussion, this Court is of the considered view that the impugned order passed by the Disciplinary Authority, as confirmed by the Appellate Authority, is legally unsustainable and is liable to be set aside.



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12. Accordingly, the captioned Writ Petition is allowed. The impugned order dated 29.06.2016 passed by the fourth respondent as confirmed by the order of the fifth respondent dated 05.05.2016 is hereby set aside. The respondents are directed to disburse all monetary benefits flowing from this order to the petitioner. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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5. The Senior Commandant,
Central Industrial Security Force Unit,
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