



WEB COPY

WP No. 24001 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

**WP No. 24001 of 2018
and W.M.P.Nos.27966 & 27967 of 2018**

A.Viswanath
S/o. J.Adikesavan (late)
No.S-3, Second Floor,
Plot No.131, SSP homes,
Baaji Nagar, 6th Street,
East Kallikuppam, Ambattur,
Chennai – 600 053.

Petitioner(s)

Vs.

1. The Inspector General
CISF, South Sector Hqrs,
Chennai – 600 009.
2. Office of the Group Commandant,
CISF, Block D Rajaji Bhavan,
Besant Nagar, Chennai – 600 090.
3. Office of the Deputy Inspector
General,
CISF SZ Hq rs,
Block D Rajaji Bhavan,
Besant Nagar, Chennai – 600 090.



Respondent(s)

PRAYER: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified mandamus to call for the records and quash the order passed by the first respondent dated 18.03.2018 through its Letter No.V-15014/CISF/SS/L&R/Rev/Vis/12/2018 – 3217 i.e. reduction of pay by one stage from Rs.32,300/-to 31,400/- for a period of five years with immediate effect and during the period of reduction, the petitioner will not earn increments of pay and that on expiry of this period, the reduction will have the effect of postponing of future increments of pay and direct the respondents to pay the deducted amount Rs.900/- per month from the salary of the petitioner with effect from October, 2016 to till the disposal of this writ petition.

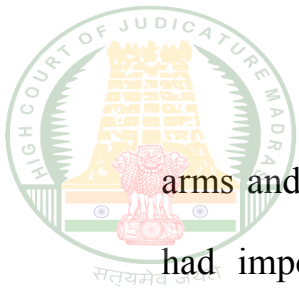
For Petitioner(s): M/s.P.Prakash Paul

For Respondent(s): Mr.M.Soundar Vijay Arul
ACGSC

ORDER

The Writ Petition has been filed to call for the records and quash the order passed by the first respondent dated 18.03.2018 and direct the respondents to pay the deducted amount Rs.900/- per month from the salary of the petitioner with effect from October, 2016 to till the disposal of this writ petition.

2. The petitioner was deployed for election duty in Coy No.406 for the assembly election in the state of Assam, West Bengal and Kerala. On 20.05.2016 when the petitioner was returning from Kerala in Alleppey Chennai Express, he was found to be in intoxicated condition. On enquiry, it was found that the petitioner was in an inebriated condition and he refused to hand over his



arms and ammunition. On the charges being proved, the disciplinary authority had imposed the punishment of reduction of his pay by one stage from Rs.32,300/- to Rs.31,400/- for a period of five years with immediate effect. The appeal filed by the petitioner also dismissed by confirming the orders passed by the disciplinary authority.

3. Mr.P.Prakash Paul, the learned counsel for the petitioner, submitted that despite the petitioner was alleged to be under intoxication he was not subjected to any alcohol test after he was alighted at Chennai Railway Station. The charges are said to have been proved against the petitioner without any evidence but only due to premises and surmises. So it is claimed that the order of punishment is in violation of principles of natural justice.

4. Mr.M.Soundar Vijay Arul, the learned Standing Counsel for the respondents, submitted that as the petitioner was found to be under inebriated condition while on wheels, it is was not possible to subject him to alcohol test.

5. On perusal of the enquiry report it is seen that the Presenting Officer for the Department has asked the prosecution witness No.2 that how did he come to know that the petitioner was in an intoxicated state. To the said question the witness has answered that he came to know it from the petitioner's behaviour. When the Enquiry Officer gave an opportunity to the petitioner to ask any questions to the prosecution witness No.2 he said “no questions”. The



other witness had stated that he was seen roaming inside the train in a suspicious manner and he was not able to walk properly. As the train was moving and the petitioner was found in an inebriated condition, many of the witnesses have stated about the state in which they have witnessed. The petitioner's resistance to hand over the rifle would show that the Enquiry Officer had arrived at a finding about the proof of charges basing on the evidence and not on premises and surmises. The disciplinary authority has also passed a speaking order by accepting the enquiry report and had chosen to impose the punishment.

6. As the petitioner was given with reasonable opportunity and the materials have also been analysed in a proper and careful manner in order to arrive at the conclusion that the charges have been proved, I do not find any unfairness or arbitrariness in the enquiry proceedings or the orders of the disciplinary authority and the appellate authority in passing the order of punishment and confirming it respectively. It is needless to reiterate that the powers of judicial review of the High Court in the matters of disciplinary proceedings is very limited and it is only to scrutinize whether fairness have been adopted during the enquiry and whether fair opportunity has been granted to the delinquent. As I do not find any violation of principles of natural justice and fairness and reasonableness have been adopted, I do not find any reason for interference.



7. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

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19-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Inspector General
CISF, South Sector Hqrs,
Chennai – 600 009.

2. Office of the Group Commandant,
CISF, Block D Rajaji Bhavan,
Besant Nagar, Chennai – 600 090.

3. Office of the Deputy Inspector
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R.N.MANJULA J.

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