



W.A. No.2359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

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CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A. No.2359 of 2025
and C.M.P. No.18015 of 2025

1. The Union of India,
represented by the Secretary,
Ministry of Home Affairs,
New Delhi.

2. The Director General,
Central Industrial Security Force,
CISF Headquarters,
Block No.13, CGO Complex,
Lodhi Road, New Delhi.

3. The Deputy Inspector General,
CISF, South Zone Headquarters,
Rajaji Bhavan, Besant Nagar,
Chennai -600 090.

4. The Group Commandant,
Central Industrial Security Force,
Group Headquarters, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.

5. The Assistant Commandant,
CISF Unit, EPL, Ennore,
Chennai - 600 120.

.... Appellants / Respondents

Vs.



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Patil Sambhaji Ananda.

... Respondents

PRAYER: The Writ appeal is filed under Clause 15 of Letters Patent

praying to set aside the order dated 29.07.2024 made in W.P. No.28797 of 2013.

For Appellants : Mr. K. Srinivasa Murthy

For Respondent : Mr. A.S. Mujibur Rahman

JUDGMENT

(Judgment of the Court was made by P.DHANABAL,J.)

This Writ Appeal has been preferred as against the order passed by the Writ Court in W.P. No.28797 of 2013 dated 29.07.2024, wherein the respondent herein has filed a Writ petition challenging punishment awarded to him by the Revisional Authority / 3rd Appellant in his order No.V-15015/06/2013/L&R(SZ) 7385 dated 08.10.2013 enhancing the punishment ordered by the 4th appellant herein in his final order No.V-15014/GHC/AD.VI/Maj/(ST)CPCL/2013/875 dated 28.02.2013 and to quash the same and to direct the appellants to take the respondent into the strength of Central Industrial Security Force as Constable and to pay all monetary benefits. The Writ Court allowed the petition with a direction to the Revisional Authority to follow the procedures adumbrated under Section 9 read with Rule 54 of Central Industrial Security Force Rules. Aggrieved by the said order, the present Writ appeal has been preferred by the appellants.



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2. The short facts necessary to dispose of the Writ appeal are as follows:

The respondent joined in the Central Industrial Security Force [hereinafter referred as 'CISF'] as 'Constable' on 16.06.2007 and he reported at CISF Unit, KPL Ennore on 20.07.2010. While so, on 09.10.2012, the respondent was allocated for 'C' shift and he was not taken on duty by the shift incharge as he was in intoxicated condition. Thereafter, on the same day, at about 20.35 hours, the respondent along with another Constable GD Karmenge Narendra Hulasram of CISF Unit, EPL Ennore entered into SO's Recreation room of CISF Unit, Ennore, threatened with dire consequences and assaulted SI / Exe Niraj Kashyap of CISF Unit, Ennore in presence of other CISF Personnel and caused injuries. Thereafter, the respondent was placed under suspension on 10.10.2012 and Disciplinary proceedings under Rule 36 of CISF Rules were initiated vide a Charge Memorandum dated 03.11.2012. Thereafter, the Disciplinary Authority conducted enquiry proceedings and after following the procedures, imposed punishment of reduction of pay by two stages for a period of 3 years, through an order dated 28.02.2013 and also directed that he will not earn increments of pay during the period of reduction and that on expiry of this period, the reduction will



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have the effect of postponing his future increments of pay.

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2.1. While so, the 3rd appellant had suomoto reviewed the order of the Disciplinary Authority and issued a Show Cause Notice to the respondent on 11.07.2013 proposing to enhance the punishment to that of 'removal from service' and the respondent also submitted his reply on 11.08.2013 and thereafter, the Revisional Authority imposed punishment of penalty of 'removal from service' vide order dated 08.10.2013. Challenging the said order passed by the 3rd appellant, the respondent filed a Writ petition in W.P. No.28797 of 2013 and the Writ Court allowed the Writ petition and set aside the order passed by the Revisional Authorities and restored the order passed by the Disciplinary Authority and further directed the Revision Authority to conduct enquiry as per Section 9 of CISF Act read with Rule 54 of CISF Rules and to pass orders within 12 weeks from the date of receipt of a copy of the order. Aggrieved by the said order, the present Writ appeal has been preferred.

3. The learned counsel appearing for the appellants would submit that the Writ Court failed to appreciate that the respondent was issued a Charge Memo under Rule 36 of the Central Industrial Security Force Rules and conducted a regular Departmental enquiry by affording due opportunity to the



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respondent and since the punishment imposed by the Disciplinary Authority was not commensurate to the proved misconduct, the competent Authority exercised his suomotu revision power under the CISF Rules and after affording opportunity to the respondent, enhanced the punishment and dismissed the respondent from service. Therefore, there is no question of conducting enquiry in terms of Rule 36 of the CISF Rules once again. The learned Judge rightly held that the order of the 3rd appellant dated 08.10.2013 is in full compliance of Rule 54(1)(d), while so ought not to have interfered with the order, when the said order has been passed in compliance with Rule 54 of the CISF Rules.

3.1. The learned Judge while remitting the matter to the 3rd appellant, ought not to have given a finding that the punishment imposed by the Disciplinary Authority is proportionate. The learned Judge erred in holding that the 3rd appellant should follow the procedure contemplated under Rule 36 of the CISF Rules before enhancing the punishment, overlooking the fact that proviso to Rule 54 mandates such procedure to be followed only where no enquiry was already held. The Writ Court failed to consider that the Revision Authority after issuing Show Cause Notice to the respondent and after hearing him, enhanced the punishment. Therefore, the order passed by



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the Writ Court by holding that during the revision proceedings, once again, the Revisional Authority has to conduct enquiry by examining witnesses as per Section 9 read with Rule 54 of CISF Rules, is erroneous. Therefore, the order passed by the Writ Court is liable to be set aside.

4. The learned counsel appearing for the respondent would submit that the Disciplinary Authority has passed an order by imposing major penalty, thereby, the Revisional Authority has once again reviewed the matter and passed another kind of major penalty. Though the enquiry was conducted by the Disciplinary Authority, when the Revisional Authority is inclined to pass an order under the revision power, once again he has to hear the matter and thereby, the Writ Court has set aside the order of the Revisional Authority. Therefore, the Writ appeal is liable to be dismissed.

5. Heard both sides and perused the entire materials available on record.

6. In this case, there is no dispute that the proceedings as against the respondent were initiated as per Rule 36 of CISF Rules, 2001 and after following the relevant provisions of the CISF Act and Rules, the Disciplinary Authority has conducted enquiry proceedings and awarded a major



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punishment of "Reduction of pay by 2 (two) stages i.e., from Rs.7,540/- + Rs.2,000/- - (GP) to Rs.6,990/- + Rs.2,000/- (GP) in the Pay Band - I for a period of 3 (three) years with immediate effect and further directed that he will not earn increments of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increments of pay". Further the Revisional Authority has issued a notice under Rule 54 of CISF Rules to the respondent and revised the order and enhanced the punishment and the same was challenged by the respondent before the Writ Court.

7. The Writ Court, after elaborate discussions, rendered findings that the Revisional Authority, without conducting enquiry under Section 9 of CISF Act read with Rule 54 of CISF Rules, enhanced the punishment. However, the enhanced punishment order was set aside and the punishment awarded by the Disciplinary Authority is not disproportionate to the charges made and directed the Revisional Authority to follow the procedures adumbrated under Section 9 of the CISF Act read with Rule 54 of CISF Rules.

8. The main contention raised by the appellants in this case is that as



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per Rule 54 of CISF Rules, Proviso if any, inquiry under Rule 36 of Central Industrial Security Force Rules, 2001 has not already been held in the case no such penalty shall be imposed except after an enquiry in the manner laid down in the aforesaid Rules . Whereas, in the case on hand, already the Disciplinary Authority enquired and therefore, once again need not conduct enquiry.

9. At this juncture, it is relevant to refer Sections 4(2) and 9(2)(b) of the Central Industrial Security Force Act.

"4. Appointment and Powers of Supervisory Officers -

.....

(2) The Director-General and every other supervisory officer so appointed shall have, and may exercise, such powers and authority as is provided or under this Act.

9. Appeal and Revision

.....

(2-B) The authority, as may be prescribed for the purpose of this sub-section, on a revision petition preferred by an aggrieved enrolled member of the force or suo motu, may call for, within a prescribed period, the records of any proceeding under section 8 or sub-section (2) or sub-section (2-A) and such authority may, after making inquiry in the prescribed manner and subject to the provisions of this Act, pass such order thereon as it thinks fit.

10. As per Section 9(2-B) of CISF Act, the Authority may call for records either suomoto or by any aggrieved enrolled member of the Force within a prescribed period, the records of any proceedings under Section 8 or Sub-Section (2) or Sub-Section (2-A) and such authority may after making inquiry in the prescribed manner and subject to the provisions of this Act pass



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such order thereon as it thinks fit. Whereas the same Act provides powers to make Rules under Section 22 of the Act.

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Section 22(2) and 22(2)(g) of the Act reads as follows:

22. Power to make rules -

....
(2) *In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for ____*

.....
(g) *regulating the punishments and prescribing authorities to whom appeals shall be preferred from orders of punishment, or remission of fines or other punishments, and the procedure to be followed for the disposal of such appeals ;*

(ggggg) prescribing authority under sub-section (2-B) of section 9, the period within which such authority may call or the records and the manner in which such authority may make inquiry;

11. By invoking Section 22 of CISF Act, the Central Government framed rules namely Central Industrial Security Force Rules. As per Rule 54 of CISF Rules, the 'Revision Power' has been given to the Authorities.

Rule 54 of Central Industrial Security Force Rules reads as follows:-

"54. **Revision** -(1) Any authority superior to the authority making the order may either on his own motion or otherwise call for the records of any inquiry and revise any order made under these rules, and may –
(a) confirm, modify or set aside the order; or
(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or
(d) pass such orders as it may deem fit, within six months of the date of communication of the order propose to be revised;

Provided that no order imposing or enhancing any penalty shall be made by any revisioning authority unless the enrolled member of the Force concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (i) to (v) of rule 34 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if any,



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inquiry under rule-36 of Central Industrial Security Force Rules, 2001 has not already been held in the case no such penalty shall be imposed except after an enquiry in the manner laid down in the aforesaid rules.

(2) The provisions of rule 52 relating to appeals shall apply so far as may be to such orders in revision.

(3) Orders and instructions issued by the Central Government on this subject from time to time shall be applicable *Mutatis mutandis* as applicable under Central Civil Services (Classification Control and Appeal) Rules 1965"

12. On a careful perusal of the above said Rule 54 of CISF Rules, it is clear that the Authority, while exercising power of revision, where it is proposed to impose any of the penalties specified in clauses (i) to (v) of rule 34 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if any, inquiry under rule-36 of Central Industrial Security Force Rules, 2001 has not already been held in the case no such penalty shall be imposed except after an enquiry in the manner laid down in the aforesaid rules. Therefore, the Act itself gives power to the Central Government to make rules in respect of Section 9 (2-B) of the Act for the procedures to be followed in disposing the revision petition.

13. Based on the above said Section 22 of the CISF Act, the Central Government has framed the above said Rules under Rule 54 (1) of CISF Rules, and the Proviso of Rule 54(1) of CISF Rules, states that if already no enquiry has been held, without enquiry, penalty under Clause (i) to (v) of Rule 34 cannot be imposed.



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14. In the case on hand, already enquiry was conducted as per Rule 36 of CISF Rules and therefore, once again enquiry cannot be conducted by the Revisional Authority, but the said provision was misinterpreted by the learned single Judge and directed the Revisional Authority to conduct enquiry as per Section 9 of the CISF Act read with Rule 54 of CISF Rules. Therefore, this Court is of the opinion that the Revisional Authority need not conduct enquiry under the Proviso of Rule 54 of CISF Rules, when already enquiry was conducted under Rule 36 of the CISF Rules. If no enquiry was conducted under Rule 36 of the CISF Rules and if the Revisional Authority while exercising power under Rule 54 of CISF Rules is inclined to enhance punishment, without conducting any enquiry under Rule 36 of CISF Rules, punishment cannot be enhanced. In the case on hand, already the enquiry under Rule 36 of CISF Rules was conducted and therefore, once again the Revisional Authority need not enquire the matter by conducting fresh enquiry. Therefore, the above said findings of the Writ Court is unsustainable and the same is liable to be set aside, accordingly set aside.

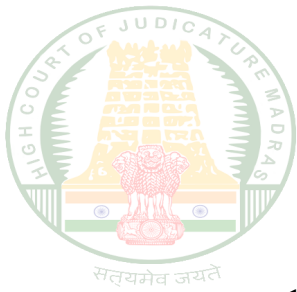
15. However, the Writ Court after having gone through the entire materials rendered findings that the punishment awarded by the Disciplinary Authority is proportionate and the punishment awarded by the Revisional



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Authority was set aside by the Writ Court. Though the Writ Court set aside the order of the Revisional Authority on the ground that the enquiry was not conducted as per Section 9 of the CISF Act read with Rule 54 of the CISF Rules, this Court considering the nature of allegations levelled against the respondent and taking into consideration the fact that the Disciplinary Authority, who is competent to award appropriate punishment, after applying his mind imposed major punishment and once again the Revisional Authority need not revise the matter for awarding major punishment. Once the Disciplinary Authority, after applying his mind, considering the mitigating and aggravating circumstances, after exercising the discretion, awarded major penalty, the Revision Authorities need not interfere the order either on suomotu power or on any application by the aggrieved party without valid reasons.

16. Considering the nature of allegations, the punishment of 'dismissal from service' is shocking conscious and grossly disproportionate to the charges. Therefore, this Court is of the view that the punishment awarded by the Revisional Authority as against the respondent was rightly set aside and the punishment awarded by the Disciplinary Authority was restored by the Writ Court.



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17. Therefore, this Court is inclined to uphold the order of Writ Court in respect of setting aside the order of Revisional Authority and restoring the order of punishment imposed by the Disciplinary Authority for the reasons discussed supra.

18. With the above observations, this Writ Appeal is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.S.K.J.) & (P.D.B.J)

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Index : Yes/No
Speaking order/non-speaking order
mjs

R. SURESH KUMAR,J

and

P.DHANABAL,J

mjs



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