



WEB COPY

WP No. 24331 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MRS JUSTICE V.BHAVANI SUBBAROYAN

**WP No. 24331 of 2023
and WMP No.23773 of 2023**

1. Rahul Kumar
Pradhan/Yantrik (ER) 08449-h S/o Shri
Mange Ram, ICGS Tuticorin, No 16,
Coast Guard District (tut) Harbour
Estate, Tuticorin

Petitioner(s)

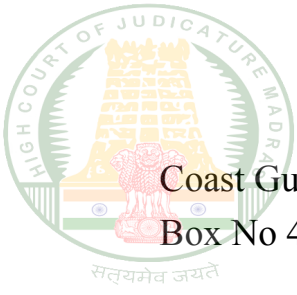
Vs

1. Director General India Coast Guard
Coast Guard Headquarters, National
Stadium Complex New Delhi 110 001

2. Inspector General
Commander Coast Guard Region (east)
Near Nappier Bridge Chennai 600 009

3. Commanding Officer
Icgs Tuticorin, No 16 Coast Guard
District (tut) Harbour Estate, Tuticorin

4. Commanding Officer



Coast Guard Station Port Blair, Post
Box No 426 Port Blair 744 102

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Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of Constitution of India to seeking Writ of Mandamus to direct the respondents 1 to 4 to refrain from giving effect to the penalty of 167 days of Mulcts of pay and allowances, stoppage of leave for 60 days and Reprimand as communicated to the petitioner by the 3rd respondent herein and to direct the respondents to grant all promotional and other service and attendant benefits to the petitioner from the year 2019.

For Petitioner(s): Mr. R.Ramachandran

For Respondent(s): M/s. K.Srinivasa Moorthy, SPC

ORDER

This Writ Petition is filed seeking for Mandamus to direct the respondents 1 to 4 to refrain from giving effect to the penalty of 167 days of Mulcts of pay and allowances, stoppage of leave for 60 days and Reprimand as communicated to the petitioner by the 3rd respondent herein and to direct the respondents to grant all promotional and other service and attendant benefits to the petitioner from the year 2019.

2. The brief facts of the case are that on 26.07.2011, the petitioner was



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initially appointed in the Indian Coast Guard, INS Chilka and completed his basic training at Orissa. Thereafter, petitioner was promoted as Pradhan Yantrik on 01.07.2016. While things stood thus, the petitioner was absented himself without leave from Indian Coast Guard Station, Diglipur w.e.f 22.02.2020 and by order dated 02.03.2020, petitioner was declared as a deserter. Aggrieved by the same, at the instance of petitioner, his father Shri Mange Ram had preferred Civil Writ Petition.No.11183 of 2020 before the High Court of Punjab and Haryana at Chandigarh seeking for withdrawal of letter dated 02.03.2020. By order dated 04.08.2020, petitioner was directed to report before the authorities. Accordingly, the petitioner reported the duty on 05.08.2020 and on the same day itself, he was transferred to Coast Guard Station, Port Blair. On 27.10.2020, the fourth respondent issued a charge memo, consisting of five charges, relating to the incident that happened in February 2020. By order dated 02.03.2022, the disciplinary /approving authority set asided the proceedings initiated on 27.10.2020 against the petitioner, in view of the non-compliance of mandatory provisions of the Coast Guard Disciplinary Rules 1983 and other legal infirmities in the proceedings and directed the fourth respondent to conduct



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denovo proceedings. Thereafter, a second charge sheet dated 26.04.2022 was issued to the petitioner on 28.04.2022, consisting of three charges for which disciplinary proceedings were initiated by the fourth respondent and the following punishment were imposed to the petitioner.

- i) 167 days of mulcts of pay and allowances,
- ii) stoppage of leave for 60 days,
- iii) Reprimand.

According to the petitioner, he is eligible for promotion to the post of Sahayak Engineer from the year 2019, but due to the pendency of the above proceedings, he was restrained to be considered for promotion. Hence the present Writ Petition.

3. Learned counsel for the petitioner would submit that the punishment imposed is grossly disproportionate to the alleged offense. It is further contended that the departmental proceedings were conducted in violation of the principles of natural justice, as the petitioner was not afforded a fair opportunity to defend himself. The counsel also argues that the petitioner's absence was due



to ill health and underwent medical treatment at his Home town at Hisar, Haryana, which should be taken into consideration while imposing punishment.

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Hence, the petitioner is before this Court by invoking Article 226 of Constitution of India, seeking suitable relief.

4. Learned counsel for the respondents filed a detailed counter and contended that petitioner's unauthorized absence of such long duration is a serious breach of discipline in a disciplined force like Indian Coast Guard. Learned counsel would submit that the departmental proceedings were conducted in strict adherence to the Coast Guard Act and Rules and the principles of natural justice were fully complied with. It is further submitted that the punishment imposed is justified and cannot be termed as disproportionate and the petitioner was not considered for promotion, due to the punishment awarded to him and his failure to achieve the requisite threshold for promotion, which is a direct consequence of his disciplinary record.

5. I have considered the submissions made by the learned counsel



appearing on either side and perused the records.

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6. On going through the averments, the primary question that arises for consideration is whether the punishment imposed upon the petitioner is justified and whether the departmental proceeding suffer from any illegality or violation of principles of natural justice.

7. Petitioner's unauthorized absence from duty is a serious offence, particularly in a disciplined force like the Indian Coast Guard. The petitioner's absence from 22.02.2020 to 05.08.2020 constitutes a grave breach of discipline, which cannot be condoned. The Indian Coast Guard operates in a unique environment where discipline and adherence to rules are paramount for operational efficiency and national security.

8. The record reveals that the department proceedings were conducted in accordance with the Coast Guard Act and Rules. The inquiry officer conducted a detailed enquiry and submitted a report holding that charges levelled against



the petitioner are proved. The disciplinary authority after considering the inquiry report, imposed the bare minimum punishment.

WEB COPY

9. This Court do not find any violation of the principles of natural justice in the conduct of the department proceedings. The petitioner was afforded every opportunity to defend himself, and the proceedings were conducted in a fair and transparent manner.

10. The petitioner's contention that the punishment is disproportionate to the offence is also without merit. The petitioner's unauthorized absence for such a long duration is a serious breach of discipline and the punishment imposed falls within the realm of the disciplinary authority's discretion.

11. As a consequence of the punishment, the petitioner was not considered for the promotion, which is in accordance with the Coast Guard Rules. The petitioner's failure to achieve the requisite threshold for promotion is also a result of his disciplinary record.



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12. In view of the above, I do not find any merit in this Writ Petition. The punishment imposed upon the petitioner is upheld, and the decision not to consider him for promotion due to the punishment and his disciplinary record is also justified.

13. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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WEB COPY

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V.BHAVANI SUBBAROYAN J.

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