



WEB COPY



W.A No. 3162 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No.3162 of 2025

and

C.M.P.No.25723 of 2025

1. 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
South Sector, Head Quarters
Near War Memorial
Chennai-600 009.
4. The Deputy Inspector General of Police
Central Industrial Security Force
South Sector, Head Quarters
Rajaji Bhavan, Besant Nagar
Chennai-600 090.
5. The Commandant



W.A No. 3162 of 2025

WEB COPY

Central Industrial Security Force
Visakhapatnam Port Trust
Visakhapatnam - 539 035
Andhra Pradesh.

..Appellants

Vs

C.Devarajan
HC/GD No.864502834
CSF Unit, VPT
Visakhapatnam.

..Respondent

Writ Appeal is filed under Clause 15 of Letter Patent to allow this writ appeal by setting aside the order dated 26.02.2025 in W.P.No.5360 of 2015.

For Appellants : Ms.Sunita Kumari

For Respondent : Mr.A.S.Mujbur Rahman

J U D G M E N T

(Made by **HEMANT CHANDANGOUDAR, J.**)

This intra-Court appeal is directed against the order dated 26.02.2025 passed by the learned Single Judge in W.P. No. 5360 of 2015. By the said order, the learned Single Judge modified the punishment imposed on the respondent–writ petitioner from reduction of pay by one stage for a period of one year to reduction of pay for a period of three months without cumulative effect.



W.A No. 3162 of 2025

WEB COPY

2. The respondent, who was then serving in the establishment of the appellants, was issued a charge memorandum alleging that on 04.11.2011, at about 13:30 hours, immediately after completion of duty, he was found standing in front of “B” Sector Barrack in a suspicious manner, and that upon noticing the arrival of the staff for pocket checking, he ran away to evade such inspection.

3. A departmental enquiry was conducted in accordance with the applicable service rules, during which the charge against the respondent was held proved. Based on the findings of the Enquiry Officer, the Disciplinary Authority imposed the punishment of reduction of pay by one stage for a period of one year, which was subsequently confirmed by the Appellate Authority.

4. Aggrieved by the said order, the respondent–employee filed W.P. No. 5360 of 2015 before this Court. The learned Single Judge, by the impugned order, modified the punishment as stated above. Assailing the said order, the present writ appeal has been preferred by the employer–appellants.



W.A No. 3162 of 2025

WEB COPY

5. Ms. Sunita Kumari, learned counsel appearing for the appellants, submitted that the charge of misconduct having been duly proved in a properly conducted domestic enquiry, and the disciplinary proceedings having been held in strict compliance with the principles of natural justice, the punishment imposed by the Disciplinary Authority was just, proper, and proportionate to the charge.

6. She further contended that the learned Single Judge erred in interfering with the quantum of punishment, especially in the absence of any procedural infirmity or violation of natural justice. It was also submitted that, even assuming that the punishment imposed was considered excessive or disproportionate, the learned Single Judge ought to have remitted the matter to the Disciplinary Authority for reconsideration of the punishment, instead of substituting his own view.

7. Per contra, Mr. A.S. Mujbur Rahman, learned counsel appearing for the respondent–employee, submitted that the learned Single Judge had rightly exercised judicial discretion in the peculiar facts of the case. He contended that the alleged misconduct, even if accepted as proved, had occurred after



W.A No. 3162 of 2025

completion of duty hours, and there was no material evidence to indicate any *mala fide* intention or moral turpitude on the part of the respondent.

8. It was further contended that the punishment imposed by the Disciplinary Authority was grossly disproportionate to the nature of the alleged misconduct, and therefore, the interference by the learned Single Judge was both reasonable and justified. He submitted that the order impugned does not suffer from any legal or procedural infirmity warranting interference in appeal.

9. We have carefully considered the rival submissions advanced on either side and perused the materials available on record.

10. It is not in dispute that the alleged misconduct occurred after completion of duty hours. The learned Single Judge, upon examining the record, has observed that even assuming the allegation to be true, the same might constitute a minor violation of conduct, but would not justify the major penalty of reduction of pay by one stage for one year.



W.A No. 3162 of 2025

WEB COPY

11. It is well settled that judicial review of disciplinary action does not extend to re-appreciation of evidence or substitution of findings of the Disciplinary Authority, except in cases where the findings are perverse, unsupported by evidence, or where the punishment imposed is shockingly disproportionate to the misconduct established. However, in exceptional circumstances, the Court may interfere with or modify the punishment to prevent manifest injustice, provided reasons are clearly recorded.

12. Ordinarily, when a punishment is found to be disproportionate to the charge, the matter is remitted to the Disciplinary Authority for reconsideration of the quantum of punishment. Nevertheless, this rule is not absolute. Where the facts are peculiar and no useful purpose would be served by remitting the matter, the High Court may itself modify the punishment to ensure that it is commensurate with the gravity of the misconduct.

13. In the present case, the learned Single Judge has taken note of the fact that the alleged misconduct occurred post duty hours, and except for the allegation that the respondent ran away to avoid pocket checking, there was no conclusive evidence of any misappropriation, dishonesty, or mala fide conduct.



W.A No. 3162 of 2025

Therefore, the learned Single Judge, having regard to the overall circumstances, found that the punishment of reduction of pay for one year was excessive and accordingly, modified it to reduction of pay for three months without cumulative effect.

14. On careful perusal of the order of the learned Single Judge, we find that the interference was neither arbitrary nor unwarranted. The modification of the punishment has been made upon sound reasoning and in exercise of judicial discretion consistent with the principles of proportionality.

15. This Court finds no perversity, illegality, or material irregularity in the reasoning of the learned Single Judge that would justify interference.

16. In view of the foregoing discussion, we find no merit in this writ appeal. Accordingly, the Writ Appeal stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

(R.S.K.,J) (H.C., J)
10.11.2025

Index : Yes / No
Internet : Yes/No
Neutral Citation : Yes / No
mk



WEB COPY



W.A No. 3162 of 2025

R. SURESH KUMAR, J.
and
HEMANT CHANDANGOUDAR, J.,
mk

W.A No. 3162 of 2025

10.11.2025