



WEB COPY



W.P No. 27351 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 27351 of 2017

Ninama Kamlesh Kumar

..Petitioner

Vs

1.Union of India

Rep by its Secretary to the Government,
Department of Home Affairs, New Delhi.

2.The Director General

CISF Head Quarters,
No.13, C.G.O Complex,
Lodhi Road, New Delhi -110003.

3.The Inspector General

CISF Head Quarters South Sector,
Chennai Port Trust Campus,
Near War Memorial, Chennai-600009.

4.The Deputy Inspector General,

CISF, DOS Head Quarters,
Antariksh Bhavan, New BEL Road,
Bangalore- 560094.



W.P No. 27351 of 2017

5.The Senior Commandant,
CISF Unit ISRO (ISAC)
Post: Vimanpura, Bangalore
Karnataka -560017.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, call for the record relating to the order passed by the 3rd respondent dt 6.5.2015 in his order No. V-15014 / L & R / SS / Rev / NKK / 2015-5155 dt 6.5.2015 modifying the order of the 4th respondent dt 23.1.2015 in his appellate order No. V - 11014 / DOS / L & R / Appl (NKKR - ISAC (B)/ (10/14)/15 - 612 dt 23.1.2015 and modified the order passed by the 5th respondent dt 27.8.2014 in his final order No. V - 15014 / ISAC (B) / Disc / Maj - 06/ NKK / 2014- 5028 dt 27.8.2014 the final order No. 5028 dt 27.8.2014 and revision order No. 5155 dt 6.5.2015 to quash the same and to direct the respondents to release the increments reduced by the modified order of the revision authority.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr. G. Mutharasu, CGSC

ORDER

The challenge in this writ petition is to the order passed by the 3rd respondent, whereby the order of punishment dismissing the petitioner from service was substituted with the penalty of reduction of pay to the minimum stage of Rs.6,460 + Grade Pay of Rs. 2,000/- for a period of five years. It was further ordered that he shall not earn any increments of pay during the period of reduction and that, on the expiry of this period, the reduction shall have the effect of postponing his future increments of pay.



W.P No. 27351 of 2017

2. The petitioner, while working as a Constable in the CISF, was issued a charge memo. The charge memo reads as follows:

I. That No. 104850659 CT/GD Ninuma Kamlesh Kumar of CISF Unit ISAC (B) on 22.03.2014 at about 09.45 hrs had in an unauthorized way entered the Govt family accomodation No.50 Block-4A. Inden Nagar located campus of 074480340 Const/GD B Arjun Kumar when Const/GD B Arjun Kumar was not present in it. The above said act of Const/GD Ninama Kamlesh Kumar who is a member of disciplined force is not universally expected and acceptable.

II. That No. 104850659 CT/GD Ninama Kamlesh Kumar of CISF Unit ISAC (B) during the absence of No.074480340 Const/GD B Arjun Kumar entered his Govt family accommodation No.50 Block-4A, Indra Nagar located campus on 22.03.2014 at about 09.45 hrs and misbehaved and tried to forcefully sexually molestation of Const/GD B Arjun Kumar Wife Smt.Rajeswari Ben. The above said misdeed done by Const/GD Ninama Kamlesh Kumar tantamount to grave indiscipline and grave misconduct and act becoming of a member of a disciplined force.

III. That No.104850659 CT/GD Ninama Kamlesh Kumar of CISF Unit ISAC (B) during the absence of No.074480340



W.P No. 27351 of 2017

WEB COPY

Const/GD B Arjun Kumar entered his Govt family accommodation No.50 Block-4A, Indra Nagar located campus on 22.03.2014 at about 09.45 hrs and in order to hide his bad act frightened and threatened Const/GD B Arjun Kumar Wife Smt. Rajeswari Ben. The above act of Const/GD Ninama Kamlesh Kumar tantamount to grave misconduct and for a member of a disciplined force is unbefitting.”

3. Learned counsel for the petitioner submitted that there was no eyewitness to the alleged incident and, therefore, the finding that the charges were proved solely on the basis of circumstantial evidence, which suffers from inconsistencies and contradictions, is arbitrary, discriminatory, and legally unsustainable.

4. Per contra, learned counsel for the respondent submitted that the statements of PW1 and PW2 categorically establish the guilt of the petitioner. Since their statements remained uncontroverted, the Enquiry Officer rightly held that the charges framed against the petitioner were proved. The Disciplinary Authority, after considering the Enquiry Officer's report, the statements of the prosecution witnesses, the explanation offered by the petitioner, and the materials available on record, rightly passed the impugned order, which was subsequently modified by the Revisional Authority on



W.P No. 27351 of 2017

humanitarian grounds. Therefore, in the absence of any perversity or arbitrariness, the findings recorded by the Enquiry Officer and the impugned order passed by the Revisional Authority cannot be faulted.

5. The submissions made by the learned counsel for both parties and the materials placed on record have been carefully and duly considered.

6. PW1 and PW2, in their testimony before the Enquiry Officer, have categorically narrated the incident, and nothing was elicited in their cross-examination to discredit their statements. Though there was no independent eyewitness, the statements of PW1 and PW2 clearly establish the guilt of the petitioner. It is well settled that guilt can be established on the basis of circumstantial evidence, and since the circumstances were duly proved by the prosecution, the findings recorded by the Enquiry Officer based on the testimony of PW1 and PW2 cannot be faulted. It is also settled law that the findings of an Enquiry Officer can be interfered with only if they are based on irrelevant evidence, no evidence, arbitrariness, or mala fides.

7. In the absence of any such circumstances, the findings recorded by the Enquiry Officer cannot be said to be arbitrary or perverse. The Revisional



W.P No. 27351 of 2017

Authority, on humanitarian considerations, has revised the order of punishment, and the punishment so imposed cannot be said to be disproportionate to the gravity of the misconduct proved against the petitioner.

8. In view of the aforesaid discussion, I do not find any illegality or infirmity in the impugned order passed by the Revisional Authority. Accordingly, the writ petition stands dismissed. No order as to costs

08.12.2025

Index : Yes/No
Internet : Yes/No
ak

To
1.Union of India
Rep by its Secretary to the Government,
Department of Home Affairs, New Delhi.

2.The Director General
CISF Head Quarters,
No.13, C.G.O Complex,
Lodhi Road, New Delhi -110003.



W.P No. 27351 of 2017

WEB COPY

3.The Inspector General
CISF Head Quarters South Sector,
Chennai Port Trust Campus,
Near War Memorial, Chennai-600009.

4.The Deputy Inspector General,
CISF, DOS Head Quarters,
Antariksh Bhavan, New BEL Road,
Bangalore- 560094.

5.The Senior Commandant,
CISF Unit ISRO (ISAC)
Post: Vimanpura, Bangalore
Karnataka -560017.



WEB COPY



W.P No. 27351 of 2017

HEMANT CHANDANGOUDAR, J.

ak

W.P No. 27351 of 2017

08.12.2025