



WEB COPY



WA.No.2718/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE C.SARAVANAN

WA.No.2718/2023

& CMP.No.22886/2023

1.Union of India
rep.by its Secretary to Government
Ministry of Home Affairs, New Delhi.

2.The Director General
CISF Head Quarters
No.13, CGO complex,
Lodhi road, New Delhi 110 003.

3.The Inspector General
CISF Head Quarters South Sector,
Chennai Port Trust Campus
Near War Memorial, Chennai 600 009.

4.The Deputy Inspector General
CISF Head Quarters South Zone
'D' Block First Floor Rajaji Bhawan
Besant Nagar, Chennai 600 090.

5.The Senior Commandant



WA.No.2718/2023

CISF Unit, ChPT Chennai
Chennai Port Trust Campus,
New War Memorial, Chennai 600 001.

... Appellants

Vs.

Suboth Kumar Singh

... Respondent

Prayer : Writ appeal filed under Clause 15 of Letters Patent against the order dated 14.06.2022 passed in WP.No.10519/2014.

For Appellants : Mr.S.Diwakar

For Respondent : Mr.B.Harikrishnan

JUDGMENT

[Delivered by S.S.SUNDAR, J.,]

(1)This appeal is directed the order of the learned Single Judge dated 14.06.2022 passed in WP.No.10519/2014 allowing the writ petition filed by the respondent herein for issuance of a writ of certiorarified mandamus to quash the order of the 3rd respondent dated 21.02.2014 confirming the orders passed by the 4th and 5th respondents herein dated 08.11.2013 and 10.07.2013 respectively and to direct the respondents to reinstate the



WA.No.2718/2023

respondent herein into service with all monetary benefits.

WEB COPY

(2) Brief facts that are necessary for the disposal of this writ appeal are as follows:

(3) The respondent herein joined the service as Constable on 15.11.1985 in the Central Industrial Security force [CISF] originally at IOC Barauni, Bihar. While he was serving at CISF Unit at Chennai Port Trust, a charge memo under Rule 36 of Central Industrial Security Force Rules was issued to the respondent on 07.03.2017 alleging that the respondent who was deployed in 'B' shift duty, was found in possession of unaccounted amount of Rs.410/- which was recovered from the front pocket of his uniform shirt on 25.02.2013. This according to the appellant was in violation of the Office Memorandum dated 28.04.2010 and Standing Security Procedure of Administrative Building Key Board Duty Post of CISF Unit, ChPT, Chennai. After finding the respondent/writ petitioner guilty of the charges and relying upon the conduct of the respondent/writ petitioner, a punishment of compulsory retirement was imposed on the writ petitioner by the 5th appellant which was later confirmed by the other appellants. Challenging the punishment of compulsory retirement, the



WA.No.2718/2023

writ petitioner filed WP.No.10519/2014.

WEB COPY

(4) It is not in dispute that the charges itself was framed alleging that the respondent herein was found to be in possession of a sum of Rs.410/- when he was on duty and this misconduct, according to the appellants is in violation of the Office Memorandum. The Enquiry Officer found that the explanation offered by the respondent herein that the amount he had on that day, was given by his colleague by cancellation of train ticket was not proved. The Enquiry Officer, after finding that the respondent herein was unable to establish or prove his version during enquiry, found him guilty of the charges. The learned Single Judge while examining the facts, held that the misconduct alleged is not so serious and the punishment is grossly disproportionate to the alleged delinquency.

(5) It is not the case of appellant that the respondent herein was in possession of any money which was ill-gotten. Since the previous misconduct was also minor and only censure on two occasions and deduction of seven days pay on the salary of the respondent was imposed as punishment, learned Single Judge found that the punishment of compulsory retirement is grossly disproportionate to the misconduct alleged against the



WA.No.2718/2023

respondent. Therefore, the learned Single Judge allowed the writ petition by setting aside the order of punishment which was confirmed by various authorities.

(6) However, it was observed that the respondent is not entitled for backwages during the period for which he was not in engagement pursuant to the order of punishment. The appellants were also directed to reinstate the respondent into service. It is also held that the respondent's pay and revision of pay shall be granted with prospective effect.

(7) This Court finds no reason or ground to interfere with the order of the learned Single Judge. Even though the learned Judge observed that the appellants may proceed against the respondent for minor punishment, this Court, taking into consideration the length of time and the fact that the respondent is retiring on 03.01.2026, recommend for dropping proceedings and directs the appellants to reinstate the respondent immediately and give the pay from the date of order, i.e., 14.06.2022.

(8) With the above directions, the writ appeal stands **dismissed**. No costs.



WA.No.2718/2023

Consequently, connected miscellaneous petition is closed.

WEB COPY

[S.S.S.R., J.] [C.S.N., J.]
06.02.2025

AP

Internet : Yes

Neutral Citation: Yes

To

- 1.Union of India
rep.by its Secretary to Government
Ministry of Home Affairs, New Delhi.
- 2.The Director General
CISF Head Quarters
No.13, CGO complex,
Lodhi road, New Delhi 110 003.
- 3.The Inspector General
CISF Head Quarters South Sector,
Chennai Port Trust Campus
Near War Memorial, Chennai 600 009.
- 4.The Deputy Inspector General
CISF Head Quarters South Zone
'D' Block First Floor Rajaji Bhawan
Besant Nagar, Chennai 600 090.
- 5.The Senior Commandant
CISF Unit, ChPT Chennai
Chennai Port Trust Campus,
New War Memorial, Chennai 600 001.

S.S. SUNDAR, J.,
and



WEB COPY



WA.No.2718/2023

C.SARAVANAN, J.,

AP

WA.No.2718/2023

06.02.2025