



WEB COPY

WP No. 2684 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 2684 of 2024

P.Unnithan
HC/GD No.892299951,
Central Industrial Security Force,
MPRTC, Bheror, Anandapura,
Alwar District, Rajasthan-301 713.

Petitioner(s)

Vs

1. The Inspector General,
Central Industrial Security Force,
South Sector, Head Quarters,
Near War Memorial, Chennai-600 009.

2.The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai-600 090.

3.The Deputy Inspector General,
Central Industrial Security Force,
MPRTC Behror, Anandapura-Post,
Alwar District, Rajasthan- 301 713.

4.The Group Commandant,
Central Industrial Security Force,
Group Head Quarters, Cochin,
Kerala- 682 037.

5.The Deputy Commandant,
Central Industrial Security Force Unit,
VOC Port Trust, Tuticorin-628 004.



6.The Deputy Commandant,
Central Industrial Security Force Unit,
NMPT Mangalore,
Karnataka- 575 010.

Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of certiorarified mandamus, calling for the records relating to the impugned orders passed by the 1st respondent dated 12.07.2023 in his order V- 15016/ CISF/ SS/ DISC/ Rev- PU/ 2023/ 9583 modifying the orders of the 2nd respondent dated 26.01.2023 in his order No.V-15014 (1) / Appeal -10/ NMPT- M/ PU/ SZ-1/ L & R/ 2022/ 788 and the order of 4th respondent dated 28.11.2015 in his order No.V-15014/ CISF/ GHC/ AD.V / MAJ / NMPT / PU /2015 /5665 and quash the same and direct the respondents to pay all monetary and consequential service benefits.

For Petitioner: Mr.R.Thiyagarajan

For Respondents: Mr.A.Kumaraguru
Senior Central Government
Panel Counsel

ORDER

This Writ Petition has been filed, challenging the impugned orders passed by the respondents and for a direction to the respondents to pay all monetary and consequential service benefits.

2. The learned counsel appearing for the petitioner would submit that the petitioner while he was serving as Head Constable / GD in Central Industrial Security Force under the 6th respondent in the year 2015, the 4th respondent



issued a charge memo under Rule-36 of the CISF Rules, 2001 on 13.08.2015 as if the petitioner was detailed for B-Shift on 13.07.2015 from 13.00 hours to 21.00 hours at check Post No.1 duty post of VOCPT Tuticorin, for checking of outgoing vehicles and, on the same day at about 20.25 hours, during the anti corruption checking carried out by the Inspector/Exe C Chinnakannan at Check Post No.1, he observed that the petitioner was throwing and kicking a bundle from his possession. On checking of the bundle, it was found that it contained Indian currency notes of Rs.650/- in different denominations. The said amount was more than the amount declared by him in the pocket money declaration register and had collected the said sum as illegal gratification while on duty. For the above misconduct, the charge memo has been issued and he submitted written statement on 22.08.2015 again on 14.11.2015. However, Enquiry Officer conducted a detailed enquiry by examining five prosecution witnesses on behalf of the respondents. On behalf of the petitioner, no witnesses were examined and thereafter, Enquiry Officer drawn a proven minute as against the petitioner.

3. The Original Authority namely 4th respondent imposed a punishment of reduction of pay from Rs.11,290 + 21800 to minimum stage of Rs.9,300 + GP 2800 for the period of five years with further direction that during the period of reduction, he will not earn any increment and on expiry of the period, the reduction will have to effect of postponing the future increments of pay vide



impugned order dated 28.11.2015. As against which, the petitioner preferred an appeal before the 5th respondent. The 5th respondent vide order dated 26.01.2023, rejected the petitioner's appeal as against which, the petitioner filed a review application before the 1st respondent and the 1st respondent after providing opportunity to the petitioner, reduced the punishment from five years to three years vide order dated 12.07.2023. Challenging the same, the present writ petition is filed.

4. The learned counsel for the petitioner would submit that admittedly, the petitioner while he was working as a Head Constable / GD in B-Shift duty on 13.07.2015, he was posted at Check Post No.1 and the allegation as per the charge memo is that as if the petitioner collected amount of illegal gratification from the users of the Port Trust while he was in check post duty. In order to prove the same, five prosecution witnesses were examined, who are also co-employees of the petitioner. However, none of the prosecution witnesses deposed before the Enquiry Officer as if the petitioner obtained illegal gratification from the individuals and all those P.W.1 & P.W.2 says, the petitioner kicked Rs.650/- bundle and except this averment, no allegation was made against the petitioner as if the petitioner collected amount of illegal gratification from the users of the Port Trust even then, the Enquiry Officer drawn a proven minute. On the basis of the same, the Original Authority as well as Appellate Authority imposed a punishment of five years which is highly



excessive and disproportionate. However, the same was modified by the 1st respondent from five years to three years. The learned counsel would submit that the three years punishment is a disproportionate one as against the petitioner accordingly, he prayed for appropriate orders.

5. Per contra, learned Standing Counsel appearing for the respondent would submit that admittedly, allegation as against the petitioner is that while he was in duty at Check Post No.1, VOC Port Trust, Tuticorin, he collected illegal gratification from the users of the Port Trust. The respondent did not proved the same by examining the individuals, who paid the amount to the petitioner however, the Officials deposed that Rs.650/- bundle was kicked by the petitioner. As the petitioner already made a pocket money declaration in the register hence, it is the duty cast upon by the petitioner to establish how he possessed Rs.650/- as against the pocket money declaration register and the same was not proved thereby, the respondents 4th imposed a punishment of reduction of salary for period of five years, which was confirmed by the 5th respondent. However, the 1st respondent by considering the past service rendered by the petitioner and also taken into consideration the fact that no other allegation as against the petitioner in his past service thereby, taken a lenient view and reduced the punishment of 5 years to 3 years which need not be interfered with.



6. The precedents on the issue of interference with the punishment imposed has been often considered by the Courts and it has been the consistent view of the Courts that it is always within the domain of the disciplinary authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is disproportionate and shocking to the conscience, should the courts interfere in the same in exercise of powers under Article 226. In ***Prem Nath Bali – Vs - High Court of Delhi (2015 (16) SCC 415)***, the Supreme Court held as under :-

“20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved then it is for the appointing authority to decide as to what punishment should be imposed on the delinquent employee as per the Rules. The appointing authority, keeping in view the nature and gravity of the charges, findings of the inquiry officer, entire service record of the delinquent employee and all relevant factors relating to the delinquent, exercised its discretion and then imposed the punishment as provided in the Rules.

21. Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment. Such power is exercised when the court finds that the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved

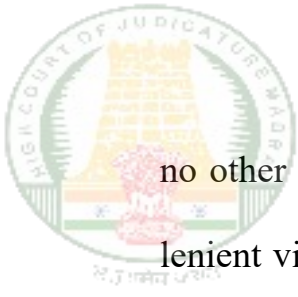


charges thereby shocking the conscience of the court or when it is found to be in contravention of the Rules. The Court may, in such cases, remit the case to the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority.”

(Emphasis Supplied)

7. From the ratio laid down by the Apex Court above, it is crystal clear that the power to interfere with the punishment should be exercised only if the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges and, thereby, shocking the conscience of the Court or if it is in contravention of the Rules.

8. In the present case, the petitioner already made a pocket money declaration in the register hence, it is the duty cast upon by the petitioner to establish how he possessed Rs.650/- as against the pocket money declaration register and the same was not proved thereby, the respondents 4th imposed a punishment of reduction of salary for period of five years, which was confirmed by the 5th respondent. However, the 1st respondent by considering the past service rendered by the petitioner and also taken into consideration the fact that



no other allegation as against the petitioner in his past service thereby, taken a lenient view and reduced the punishment of 5 years to 3 years, which need not be interfered with.

9. In view of the above discussion, this Writ Petition is dismissed. No costs.

02-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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