



W.A(MD) No.1051 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.08.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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S.Balakrishnan

... Appellant / Petitioner

Vs.

- 1.Union of India,
Represented 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-110 003.
- 3.The Inspector General,
CISF DAE Head Quarters Western Sector,
CISF Campus Sector-35 Taloja,
Kharghar Navi Mumbai-410 210.
- 4.The Deputy Inspector General,
CISF DAE Head Quarters,
Post ECIL Hyderabad-62,
State:Andhra Pradesh-500 062.



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5. The Commandant,
CISF Unit DAE Kalpakkam,
DAE Township Kalpakkam,
District: Kancheepuram,
Tamil Nadu-603 102.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order of the learned single Judge vide order dated 28.01.2020 made in W.P.(MD)No.6851 of 2011 and to direct the respondents to release increments reduced by the final order of the disciplinary authority.

For Appellant : Mr.K.MD.Sirajudeen
for Mr.K.Vadivelu

For Respondents : Mr.K.Gokul
Standing Counsel
for R1 to R5

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The appellant herein has filed this writ appeal questioning the order dated 28.01.2020 passed by the learned single Judge dismissing W.P.(MD)No.6851 of 2011 filed by him.



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2. The appellant joined CISF on 05.05.1997 as constable. He was working at Pazhayakayal Unit in the year 2009. He was issued with charge memo dated 24.10.2009. It contained the following articles of charge.

“That No.974470939 Constable S.Balakrishnan of CISF Unit, ZC/NFC Pazhayakayal on 23.09.2009 at about 11 40 hrs impersonating as labour of ZC/NFC Pazhayakayal made false allegations of corruption and illegal gratification against his senior Inspector S S Verma of CISF Unit ZC/NFC, Pazhayakal to the Deputy Inspector General, CISF DAE through his personal cell Phone No.948887918 and thereby exhibited an act of grave indiscipline and gross misconduct, most unbecoming of an enrolled member of the Force.”

The appellant denied the charge. Thereupon, enquiry was conducted. The appellant was given full opportunity to defend himself. In support of the charges, as many as four witnesses were examined. The enquiry officer rendered a finding that the charge framed against the appellant stood established. Copy of the enquiry report dated 13.03.2010 was served on the appellant. After getting the appellant's further representation, the disciplinary authority vide order dated 29.03.2010 confirmed the finding of guilt and imposed the following punishment of



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reduction of pay by two stages with cumulative effect:-

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“9. I therefore, in exercise of powers conferred upon me under Rule 32 read with Schedule-I in conjunction with Rule-34(v) of CISF Rules, 2001, award the penalty of **“REDUCTION OF PAY BY 2 STAGES FROM RS.7910/- + RS.2000/- (GRADE PAY) TO RS.7340/- + RS.2000 (GRADE PAY IN THE PAY BAND RS.5200/-20200+2000) (GRADE PAY) FOR A PERIOD OF 3 YEARS WITH EFFECT FROM THE DATE OF RECEIPT OF THIS ORDER. IT IS FURTHER DIRECTED THAT HE WILL NOT EARN INCREMENTS OF PAY DURING THE PERIOD OF REDUCTION AND THAT ON EXPIRY OF THIS PERIOD, THE REDUCTION WILL HAVE THE EFFECT OF POSTPONING HIS FUTURE INCREMENT OF PAY”** on No.974470939 Constable S.Balakrishnan of CISF Unit ZC/NFC Pazhayakayal.”

Questioning the same, the appellant filed an appeal before the Deputy Inspector General / appellate authority. The appellate authority dismissed the appeal vide order dated 16.08.2010. The revision petition filed by the appellant was also dismissed on 07.01.2011. Challenging these orders, W.P.(MD)No.6851 of 2011 was filed. The learned single Judge dismissed the writ petition in the following terms:-

“6.Perusal of record shows that P.W.1, the fifth respondent deposed in his statement that on 23.09.2009, the Deputy Inspector General had received a call on his mobile from a contractor labour from CISF Unit informing him that the Inspector /Exe.S.S.Varma



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who was on temporary duty was collecting money from the Contractors. On verification, it was found that the petitioner has called from his mobile and he had impersonated himself as a labour contractor. The disciplinary authority after trying to contact the above mobile number through his P & T line, it was found to be switched off. On verification, it was found that the mobile number belonged to the petitioner. The disciplinary authority finding that the statement of P.W.1 date and time of receipt of complaint by D.I.G corroborated with P.W.2 wherein an outgoing call has been made from the mobile No.9488887918 to 09440816985 and further P.W.2 confirms that the name of the addressee of mobile number 09440816985 is the charged official, which has been proved in the enquiry. Therefore, the charges has been framed as the misconduct of the petitioner is very serious in nature and highly indisciplined act. The authority finding that the allegation itself is wrong against the person whom the complaint has been made by the petitioner and hence, ordered the punishment of “reduction of pay by two stages from Rs.7910/-+Rs.2000/- (grade pay) to Rs.7340+ Rs.2000/- (grade pay in the pay band of Rs.5200-20200+2000(grade pay) for a period of three years with effect from the date of receipt of the order and further directed that he will not earn increments of pay during the period of reduction and that on expiry of this period. The reduction will have the effect of postponing his future increment of pay “ where I do not find any infirmity.”

Aggrieved by the same, this writ appeal has been filed.



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3. The learned counsel appearing for the appellant submitted that the punishment imposed on him cannot affect his pension. In this regard, he relied on the decision of the Hon'ble Division Bench made in ***W.P.Nos.23705, 23935 of 2001 & 10765 of 2003, dated 21.09.2006 (Gaurav Joshi Vs. Union of India)***. Paragraph Nos.3 to 5 of the said order read as follows:-

“3. At the outset, learned counsel appearing for the petitioners by drawing our attention to Rule 31(e) of the Central Industrial Security Force Rules, 1969, contended that as per the said provision, the authority concerned is permitted to impose penalty of withholding of increment or promotion and not withholding of increment with cumulative effect. It is pointed out that in view of the above provision, viz., Rule 31(e) as it stands, the authority/authorities can at the most impose the penalty of withholding of increment or promotion. In addition to the same, the Notification No.V-14013/64/88/L&R/1256 dated 14.10.1992, by the Directorate General, Central Industrial Security Force (Ministry of Home Affairs, New Delhi), is brought to our notice. After considering the above provision, viz., Rule 31(e) of CISF Rules, 1969 as well as the decision of the Calcutta High Court reported in 1981(2)SLR 807 [Food Corporation of India vs. State of West Bengal and others], wherein, it has directed all the authorities to note that in all the punishment orders, the words "with cumulative effect" have to be deleted. It is the claim of the learned counsel for the petitioners that in view of Rule 31(e) of the Rules, as interpreted by the Directorate General of Industrial Security Force, the penalty of



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withholding of increment "with cumulative effect" cannot be imposed.

4. Learned Senior Central Government Standing Counsel appearing for the respondents submitted that in view of the provision, viz., Rule 31(e) and the clarification issued in the form of a notification by the Deputy Inspector General, Central Industrial Security Force, the claim of the petitioners has to be accepted.

5. In view of the statutory provisions, as accepted by the Deputy Inspector General in his notification referred above, there is no difficulty in accepting the claim of the petitioner only with regard to imposition of penalty. Accordingly, the impugned orders in all these writ petitions are to be modified as under: the words "with cumulative effect" have to be deleted. In other respects, the orders passed by the original/appellate/revision authorities are confirmed. The writ petitions are ordered accordingly.”

4. We are of the view that this decision may not come to the appellant's rescue. This is for more than one reason. The Hon'ble Division Bench was concerned with Rule 31(e) of CISF Rules, 1969. 1969 Rules have been repealed and what is now holding the field is CISF Rules, 2001. Rule 34 sets out the penalties that can be imposed on a member of CISF. They had been classified into two, namely, major penalties and minor penalties. Section 34(v) of CISF Rules, 2001, reads as follows:-



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“(v) save as provided for in clause (viii) below - reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not the enrolled member will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will have the effect of postponing the future increments of his pay.”

5. The punishment imposed on the appellant would fall within the scope of Section 34(v). The learned counsel for the appellant would then plead that this Court can modify the punishment. It is well settled that there can be scope for modification of punishment only if the punishment imposed on the employee shocks the judicial conscience or it is grossly disproportionate to the gravity of misconduct. We would observe that the disciplinary authority has been rather indulgent while handing out the punishment. Making an allegation of corruption against one's senior officer is a very serious affair. Such allegation cannot be casually made. In the case on hand, the appellant had impersonated a worker and then made allegations. It is not as if the authority had abruptly come to the conclusion. Detailed enquiry was made and information in the form of call data record was obtained from BSNL.



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Only based on such definite input, the appellant was identified as the person who made the offending call. The findings of the respondent authority are based on solid evidence. The punishment cannot be said to be disproportionate. The learned single Judge had rightly declined to interfere. The order passed by the learned single Judge is confirmed. The writ appeal is dismissed. No costs.

(G.R.S., J.) (K.R.S., J.)
19.08.2025

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