



W.P.(MD) No.22805 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.22805 of 2021

and

W.M.P.(MD) Nos.19272 & 19273 of 2021

A.Mariappan

... Petitioner

-VS-

- 1.The Secretary
Government of India
Ministry of Home Affairs
North Block New Delhi
New Delhi-110 001
- 2.The Director General of Police
Lodhi Road
CGO Complex
New Delhi-110 003
- 3.The Inspector General of Police-CRPF
Western Sector, CRPF
3rd Floor, C.G.O.Complex
New Mumbai-400 614



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4.The Deputy Inspector General
of Police (Range C.R.P.F.)
Office of Range DIGP C.R.P.F.
Chiloda Road, Gandhinagar
Gujarat-382 042

5.The Deputy Inspector General
of Police – CRPF
Group Center, Gandhi Nagar
Gujarat-382 010

6.The Commandant
70 BN-CRPF
Bawana Campus
New Delhi-110 039

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for records relating to the impugned order passed by the 6th respondent in his proceedings in No-P-8-03/2014-70 dated 08.06.2015 and consequential impugned order No.R.XIII-1/2021-Range GNR-EC.III dated 28.05.2021 passed by 4th respondent the quash the same as illegal and consequentially to direct the respondents disburse the pensionary benefits taking into consideration the long length of service rendered by the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India
assisted by Ms.B.Deepa, C.G.S.C.



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ORDER

This writ petition has been filed challenging the impugned order dated 08.06.2015, passed by the sixth respondent and the consequential impugned order dated 28.05.2021, passed by the fourth respondent, dismissing the petitioner from service.

2. The petitioner was working with the Central Reserve Police Force as a Police Constable. On account of his unauthorized absence for a period of 270 days, disciplinary proceedings were initiated against him. An Enquiry Officer was appointed in the disciplinary proceedings. In the enquiry proceedings, despite receipt of notice, the petitioner chose not to attend the enquiry proceedings. The Enquiry Officer submitted the enquiry report and in the enquiry report, the Enquiry Officer has held that the petitioner is guilty of the charges framed against him, namely, unauthorized absence for a period of 270 days. Based on the enquiry report, the Disciplinary Authority, namely, sixth respondent passed the impugned order dated 08.06.2015 imposing the punishment of dismissing the petitioner from service. Aggrieved by the same, the petitioner preferred an appeal before the fifth respondent and the same was also rejected by the fifth respondent through proceedings dated



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26.12.2015. Thereafter, the petitioner once again preferred an appeal before the fourth respondent and the same was also rejected through the impugned order dated 28.05.2021. Challenging the impugned orders, the petitioner has filed this writ petition.

3. The petitioner claims that he has rendered 24 years of impeccable service. According to him, on account of some compelling situation, he was unable to report for duty. The petitioner pleads in this writ petition that having rendered 24 years of service, the punishment imposed on him is harsh and it will have to be reduced to one of compulsory retirement to enable him to get the benefits for his long length of service. The petitioner claims that his absence from duty is neither willful nor wanton, but only due to the reasons stated in the affidavit filed in support of this writ petition. The petitioner also pleads that all the enquiry notices, enquiry report and the impugned dismissal order were all in the language of Hindi and since he cannot read and write Hindi, he did not know the contents of the same and was unable to take further steps in the disciplinary proceedings to defend his case.



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4. A counter affidavit has been filed by the respondents denying the contentions of the petitioner. The sum and substance of the counter affidavit filed by the respondents before this Court are as follows:

- (a) The petitioner is a habitual offender, and in the past as well, without obtaining leave from the respondents, he had absented himself from duty unauthorizedly.
- (b) The petitioner was declared as a deserter, after initiation of the disciplinary proceedings against him, which resulted in the petitioner being dismissed from service.
- (c) The petitioner received all the notices from the respondents in the disciplinary proceedings, but, has chosen not to enter appearance in the enquiry proceedings.
- (d) Only based on the evidence available on record and only due to the fact that in the past as well the petitioner has been a habitual offender by unauthorizedly absenting himself from duty and the



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respondent – Organisation being a Disciplined Force, the disciplinary authority as well as the appellate authorities have dismissed the petitioner from service.

5. Learned counsel for the petitioner would submit that insofar as the unauthorized absence of the petitioner from duty is concerned, the respondents can impose only minor punishments under Section 11 of the Central Reserve Police Force Act, 1949 (in short, “CRPF Act, 1949”). He also drew the attention of this Court to Section 12 of the CRPF Act, 1949, and would submit that only after the petitioner is convicted and ordered to be imprisoned, he can be dismissed from service. He also drew the attention of this Court to Section 10 of the CRPF Act, 1949, and would submit that as per Section 10(m) of the CRPF Act, 1949, unauthorized absence of the petitioner from duty is only a less heinous offence. Therefore, he would submit that the punishment of dismissal from service imposed by the respondents under the impugned orders is disproportionate to the charges framed against the petitioner in the disciplinary proceedings. He also drew the attention of this Court to the decision rendered by the learned Single Judge of Madhya Pradesh High Court, dated 10.07.2024, passed in W.P.No.5059 of 2011, in the case of



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Ashish Rajouria vs. The Union of India and others, and would submit that as held in the said decision, the authority exercising powers under the provisions of Section 11(1) of the CRPF Act, 1949, is not entitled to inflict penalty of dismissal as it would amount to a major penalty provided under Section 10 of the CRPF Act, 1949. Therefore, according to him, the impugned orders imposing the punishment of dismissal from service on the petitioner are not in accordance with Section 11 of the CRPF Act, 1949.

6. On the other hand, learned Deputy Solicitor General of India appearing for the respondents would reiterate the contents of the counter affidavit filed by the respondents before this Court and would reiterate that the petitioner being a habitual offender of absenting himself from duty unauthorizedly in the past as well and the charges framed against him, namely, unauthorized absence for a period of 270 days, which is a long period of absence and that too when the petitioner failed to appear in the disciplinary proceedings and that too when the respondent - Organisation is a Disciplined Force and also Uniformed Force, which protects the security interests of India, the punishment imposed on the petitioner, namely, dismissal from service cannot be held to be disproportionate to the charges framed against him in the



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disciplinary proceedings. He would submit that only based on the evidence available on record and the misconduct committed by the petitioner, the impugned orders came to be passed dismissing him from service. He also drew the attention of this Court to Section 11 of the CRPF Act, 1949, and would submit that the minor penalties listed out in the said Section are only in addition to the passing of dismissal orders as well as suspension orders. Therefore, according to the learned Deputy Solicitor General of India, there is no infirmity in the impugned orders dismissing the petitioner from service.

Discussion:

7. The petitioner himself has pleaded in this writ petition that he wants only reduction of the punishment, namely, dismissal from service to one of compulsory retirement. Admittedly, compulsory retirement is also a major punishment. The petitioner cannot blow hot and cold.

8. Learned counsel for the petitioner during the course of his submissions had submitted that under Section 11 of the CRPF Act, 1949, only minor penalties can be imposed, which are listed out in the said Section. Section 11 of the CRPF Act, 1949, reads as follows:



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“11. Minor punishments. - (1) *The Commandant or any other authority or officer as may be prescribed, may, subject to any rules made under this Act, award in lieu of, or in addition to, suspension or dismissal anyone or more of the following punishments to any member of the Force whom he considered to be guilty of disobedience, neglect of duty, or remissness in the discharge of any duty or of other misconduct in his capacity as a member of the Force, that is to say :-*

- (a) reduction in rank;*
- (b) fine of any amount not exceeding one month's pay and allowances;*
- (c) confinement to quarters, lines or camp for a term not exceeding one month;*
- (d) confinement in the quarter-guard for not more than twenty-eight days, with or without punishment drill or extra guard, fatigue or other duty; and*
- (e) removal from any office of distinction or special emolument in the Force.*

(2) Any punishment specified in clause (c) or clause (b) of sub-section (1) may be awarded by any Gazetted Officer when in command of any detachment of the Force away from headquarters, provided he is specially authorised in this behalf by the Commandant.



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(3) The Assistant Commandant, a Company Officer or a subordinate officer, not being below the rank of subedar or inspector, commanding a separate detachment or an outpost, or in temporary command at the headquarters of the Force, may, without a formal trial, award to any member of the Force who is for the time being subject to his authority anyone or more of the following punishments for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to require prosecution before a Criminal Court, that is to say, -

(a) confinement for not more than seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance;

(b) punishment drill, or extra guard, fatigue or other duty, for not more than thirty days, with or without confinement to quarters, lines, or camp;

(4) A jemadar or sub-inspector who is temporarily in command of a detachment or an outpost may, in like manner and for the commission of any like offence,



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award to any member of the Force for the time being subject to his authority any of the punishments specified in clause (b) of sub-section (3) for not more than fifteen days.”

9. As seen from the aforesaid Section, it is clear that the minor penalties listed out in the said Section are only in addition to the suspension or dismissal orders passed by the Department.

10. Learned counsel for the petitioner placed reliance on Section 12 of the CRPF Act, 1949, which pertains to the criminal proceedings and not to the disciplinary proceedings. The punishment of imprisonment will arise only in the criminal proceedings and not in the disciplinary proceedings. Section 12 of the CRPF Act, 1949, reads as follows:

“12. Place of imprisonment and liability to dismissal on imprisonment. -

(1) Every person sentenced under this Act to imprisonment may be dismissed from the Force and shall further be liable to forfeiture of pay, allowance and any other moneys due to him, as well as of any medals and decorations received by him.



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(2) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is not also dismissed from the Force, he may, if the Court of the Commandant so directs, be confined in the quarter-guard or such other place as the court or the Commandant may consider suitable.”

11. Section 9 and Section 10 of the CRPF Act, 1949, distinguishes between “more heinous offences” and “less heinous offences”. It is clear from those Sections that they are dealing only with the criminal offences and not dealing with the charges framed in the disciplinary proceedings. Therefore, the question of relying upon Section 10(m) of the CRPF Act, 1949, by the learned counsel for the petitioner does not arise and it has no applicability to the case on hand, which involves disciplinary proceedings and not criminal proceedings. The petitioner has been unsuccessful in challenging the impugned order of the disciplinary authority both before the fifth respondent as well as the fourth respondent, who have confirmed the order of the disciplinary authority (sixth respondent) by holding that there is no infirmity in the decision taken by the disciplinary authority (sixth respondent) to dismiss the petitioner from service.



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12. The interpretation given by the learned Single Judge of the Madhya Pradesh High Court in the decision dated 10.07.2024 in W.P.No.5059 of 2011 in the case of ***Ashish Rajouria vs. The Union of India and others***, may not be correct. As observed earlier, Section 9 and Section 10 of the CRPF Act, 1949, deal with the criminal offences and do not deal with the charges framed in the disciplinary proceedings. The Madhya Pradesh High Court's decision, relied upon by the learned counsel for the petitioner, has only a persuasive value for this Court and this Court is not bound by the said decision.

13. Since this Court is not in agreement with the interpretation given by the learned Single Judge of the Madhya Pradesh High Court in the decision relied upon by the learned counsel for the petitioner, the contention of the learned counsel for the petitioner that the authority exercising powers under the provisions of Section 11(1) of the CRPF Act, 1949, is not entitled to inflict penalty of dismissal as it would amount to a major penalty provided under Section 10 of the CRPF Act, 1949, is rejected.



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14. It is settled law that when only based on the evidence placed on record and when only based on the preponderance of probability, the Enquiry Officer has held the delinquent guilty of the charges framed against him in the disciplinary proceedings and which cannot be considered to be perverse, the Writ Court exercising the powers under Article 226 of the Constitution of India cannot interfere with the orders passed by the quasi-judicial authority. In the case on hand, the petitioner has unsuccessfully failed to achieve success before all the authorities below and therefore, the question of interference by this Court in this writ petition does not arise. This Court does not find any merit in this writ petition and the writ petition is, therefore, liable to be dismissed.

15. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

15.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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