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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3615/2019 & CM APPL. 16577/2019**

CONSTABLE ANIL KUMAR

.....Petitioner

Through: **Mrs. Priya Aristotle, Advocate**

versus

UNION OF INDIA & ORS

.....Respondents

Through: **Mr. Gigi C George, SPC with Mr G. S. Rathore, AC CISF
Inspector Prahlad Devenda, Inspector Yeshpal, Mr. Sunil Kumar**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER
08.09.2025

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1. The instant Petition has been filed with the following prayers:-

“a. Issue a writ of certiorari or any other appropriate writ, order or direction and quash the order of "Removal of services" vide the final impugned order No.V- 14014/APS/REV.15/AK/LC/2018-10102 dated 15/11/2018, passed by the Respondent No.3/Inspector General, Office of the Additional Director General/ Airport Sector, Central Industrial Security Force, (Ministry of Home Affairs).

b. Issue a writ of certiorari or any other appropriate writ, order or direction and quash the order of "Removal of services" vide the the appellate order dated 28/03/18 passed by the Respondent No.4.

c. Issue a writ of mandamus or any other appropriate writ, order or directions to the Respondents to



reinstate the petitioner to his regular duty.

d. Issue a writ of Mandamus or any other appropriate writ, order or directions to the Respondents pay the complete back wages and all other benefits from 01-01-2016 the date of his suspension, culminating in 'removal from service' to the date of his reinstatement.

e. Issue a writ of mandamus or any other appropriate writ, order or directions to the Respondents to grant and pay substantial compensation as determined by this Court to the petitioner.

f. And such other orders as this Hon'ble Court deems fit and necessary under the facts and circumstances of this case, in the interests of justice, equity and good conscience.”

2. Material on record indicates that 03 charges were framed against the Petitioner herein which are reproduced as under:-

“Article of Charge No.01- That CISF No 105280024 Const. Anil Kumar (U/S) Silchar booked an air ticket for 104-12-2016 in Flight No9W 2875 of Jet Airways in the name of a lady namely Mrs. Mousumi Dutta in Defence spouse quota using his CISF Identity Card No.086578 and declaring the lady as his wife whereas as per service record his wife's name is Smt.Jolly Rani is his wife. The above act on the part of CISF No 105280024 Const. Anil Kumar of CISF Unit, ASGSilchar tantamount to misuse of Government facility and false statement for purchasing the said air ticket. Hence the charge.

Article of Charge No.02- That CISF No. 105280024 Const. Anil Kumar (U/S) of ISP Unit, ASG Silchar booked a rented accommodation of Mr.Sankar Roy Choudhury near Kumbhigram Airport Silchar without having permission of the competent authority to leave outside barracks and kept the said lady Mousumi Dutta



in the same wef.04-12-2015 to 06-12-2015 introducing her as his wife to the house owner. Further, he also visited the said rented accommodation frequently between 04-12-2015 to 06-12-2015 by absenting from regiment duties and Unit Lines. While the CASO/AC.CISF Unit, ASG Silchar called him in her orderly room on 04-12-2015 to know the fact of the lady he also apprised the CASA that his wife whose name(house/pet name) is Mousumi has arrival at Silchar to live with him for 3-4days. The above act on the part of CISF No. 105280024 Const. Anil Kumar of CISF Unit ASG Silchar tantamount to disobey the lawful orders and false representation of the facts to his superior officers as well as maintaining extra marital affairs which is, highly unbecoming of a member of the force. Hence, the charge.

Article of Charge No.03- That CISF No.105280024 Const. Anil Kumar (U/S) of CISF Unit ASG Silchar was detailed for 'B' Shift duty from 1300 to 2100 hrs. on 01-01-2016 at Sub Station duty post of ASG Silchar. But he absented from the shift briefing on that day and reported to the duty post without signing the Duty Register. Later when his post was checked by the CASO with CIW Personnel & CHM, he was found in an inebriated condition. His personal mobile phone was also found in possession at that time. The above act on the part of CISF No. 105280024 Const. Anil Kumar of CISF Unit ASG Silchar tantamount to gross indiscipline, misconduct, disobedience of lawful orders and dereliction toward his bonafide duties. Hence, the charge.”

3. The Petitioner was working as a Constable with the Central Industrial Reserve Force (CISF) in the year 2010.
4. In order to prove their case, 09 witnesses were examined by the Respondents and 03 witnesses were examined by the Court.



5. Charge No. 01 against the Petitioner is that he booked an air ticket for one Mrs. Mousumi Dutta by introducing her as his wife on 04.12.2015 by using his official CISF Identity Card No. 086578. It is stated that when a ticket is booked under a Defence Spouse Quota of CISF, the tickets are cheaper and priority is also given in booking the ticket.

6. It is stated that as per service record, the Petitioner was already married to Smt. Jolly Rani, and the information provided by the Petitioner while booking the air ticket using a Defence Spouse Quota for Ms. Mousumi Dutta was apparently false. The Inspector Srikanta Samadder was examined as PW-1 to prove this fact.

7. As far as Charge No. 2 is concerned, it is the case of the Respondent that the Petitioner had introduced the said Ms. Mousumi Dutta as his wife to get an accommodation between 04.12.2016 and 06.12.2016 and the Petitioner was also absent from his regimental duties during these 03 days for which purposes there are GD Entries.

8. In the opinion of this Court, the material on record does not disclose as to whether introducing somebody as his wife to get an accommodation is a misconduct or not.

9. As far as Charge No.3 is concerned, it is a serious charge. It is alleged against the Petitioner that he was absent from his shift briefing on 01.01.2016. He was found in an inebriated condition reeking of alcohol. He was also found to be carrying his personal mobile phone which was not permitted.

10. After conducting an enquiry against the Petitioner, the Enquiry Officer found the Petitioner guilty of all the 03 charges. The Enquiry Report was confirmed by the Disciplinary Authority. An Order of termination of



service being Order No. 2477 dated 28.05.2016 was passed by the Disciplinary Authority.

11. The same was challenged by the Petitioner before the Office of the Additional Director General/Airport Sector, CISF which affirmed the findings of the Enquiry Officer.

12. Learned Counsel for the Petitioner contends that the Petitioner was beaten up for 05 hours and that it is not a case of intoxication. She also states that there is no pathological report to confirm that he has consumed alcohol. She further states that the doctor's report, on which reliance has been placed by the Enquiry Officer, has also not been examined.

13. She further states that the Petitioner is a Constable and the fact that he has booked an air ticket in the name of somebody else, is not such a grave misconduct which would attract the extreme punishment of termination of service and the punishment is shockingly disproportionate to the alleged misconduct.

14. *Per contra*, learned Counsel for the Respondent would contend that being found in inebriated condition during duty hours is a serious misconduct for which punishment for dismissal can be given. He also states that the Petitioner is married to one woman and has booked an air ticket for another woman introducing her as his wife to avail the benefit of a Defence Spouse Quota, amounts to a serious misconduct.

15. A perusal of the record indicates that as far as charge No. 03 is concerned, the Petitioner was taken to the Composite Hospital, CRPF, Silchar (Assam) for medical examination. As per the certificate issued by the Medical Officer, the doctor found that the Petitioner was intoxicated, his pupils were dilated, and he was confused and aggressive. It was also found



that the Petitioner had drunken gait and slurred speech and was unable to walk in a straight line.

16. Even though the doctor was not examined, it does not take away the probative value of a certificate issued by a competent doctor from the Composite Hospital, CISF.

17. Other than the mere *ipse dixit* of the Petitioner who was beaten up for 05 hours prior to the incident, no material has been adduced by the Petitioner to substantiate his case. The Petitioner has not produced any medical document which shows that he was beaten up for hours nor has he produced any witness to substantiate his contention.

18. In the absence of any material to the contrary, this Court is not inclined to accept the explanation given by the Petitioner that he was beaten up for 05 hours.

19. The scope of interference in disciplinary enquiries is well settled by the Judgment of the Apex Court in B. C. Chaturvedi v. Union of India And Others, (1995) 6 SCC 749. The relevant portion reads as under:-

“12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding



must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappraise the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. *The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappraise the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 38] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.”*



20. A perusal of the Apex Court's judgment shows that the Courts while exercising the jurisdiction of Article 226 of the Constitution of India do not interfere with the conclusion arrived at by the enquiry unless the same is perverse *ex facie* or that the entire procedure is vitiated due to non-adherence of the principles of natural justice or that the Enquiry Officer had erroneously relied on the material which is not a part of the record. The present case is not one of such cases.

21. Even as far as the first charge is concerned, material on record does indicate that the Petitioner has booked an air ticket for some other lady who does not tend to be his wife and has availed the benefit of Defence Spouse Quota, thereby indicating misconduct on the part of the Petitioner.

22. In view of the above, this Court is not inclined to interfere with the final Order of the Enquiry Officer, the Order of Punishment passed by the Disciplinary Authority and the Appellate Authority.

23. The present Writ Petition stands dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

SEPTEMBER 08, 2025

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