



2025:DHC:8061-DB



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

+ W.P.(C) 10832/2020, CM APPLs. 33973/2020 & 19337/2022

EX CONSTABLE / GD ABHISHEK HALDARPetitioner

Through: Mr. Uday Bedi, Mr. Jaitegan Singh Khurana, Ms. Smiksha Singhroha and Ms. Shivani Aggarwal, Advs.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. Rishabh Sahu, Sr. PC with Mr. Sameer Sharma and Mr. Vikash Chauhan Advs. for UOI

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT (ORAL)**

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10.09.2025**C.HARI SHANKAR, J.**

1. The petitioner assails final order dated 6 June 2019, whereby he was removed from the services of the Central Industrial Security Force¹. An appeal, preferred by the petitioner, was also dismissed by the Appellate Authority vide appellate order dated 22 July 2019. Aggrieved thereby, the petitioner has approached this Court by means of the present writ petition.

2. We have heard Mr. Uday Bedi, learned Counsel for the petitioner and Mr. Rishabh Sahu, learned Senior Panel Counsel for the respondents.

3. Mr. Bedi submits that the petitioner, while working as

¹ "CISF", hereinafter



2025:DHC:8061-DB



Constable in the CISF, suffered a shoulder dislocation in January 2019 for which he was advised rest for the period 8 February 2019 to 22 February 2019. The petitioner, therefore, wrote to the respondents on 8 February 2019 to approve rest for the said period. Though the hospital – which was a private hospital albeit empanelled with the CISF – had advised rest till 22 February 2019, the respondents granted petitioner rest only for five days and advised him to review his situation thereafter.

4. On 16 February 2019, the hospital issued a medical certificate, certifying that the petitioner was fit to resume duty with effect from 17 February 2019. However, it was advised that he be given light duty and not undergo physical training for three months.

5. Based on this, the petitioner submitted an application on 17 February 2019 to the respondents, praying that he be assigned some light duty.

6. On 21 February 2019, the petitioner was posted at NIT – ILBS (Inline Baggage Screening System) at the Chennai Airport. According to Mr. Bedi, the duties of the petitioner, at the post at which he was stationed, involved frisking of passenger and luggage, which required continuous use of his arms and shoulder.

7. Mr. Bedi also relies on a response received from the Bureau of Civil Aviation Security², under the Right to Information Act, 2005, pursuant to a query addressed by the petitioner on 22 March 2019.

² “BCAS”, hereinafter



2025:DHC:8061-DB



The petitioner, in his query, sought to know whether he was eligible to perform screening duty at NIT – ILBS at the Chennai Airport, being a non-screener. Mr. Bedi has pointed out that, in its response, the BCAS confirmed that, as per the Aircraft (Security) Rules, 2011 Part-IV, screening duty was required to be performed only by an officer who was certified by the Director General, BCAS.

8. We may note that, in response to the petitioner's assertion, in the writ petition, that he was posted at a post which he was not physically or otherwise competent to discharge duty, the respondent has, in its counter affidavit, averred thus:

“8. With regard to averments made in this para 8, the petitioner had indeed requested on considering his health to allow him to perform light duty (bare hands for next 3 months). Though the petition once received the procedure for getting excuse from the competent authority involves scrutiny of all related medical documents & this process would take some time. Further the medical authority in his certificate had advised only “light duty & exemption from PT for 03 months”. Doctor had not advised any exemption from Arms Duty. However, immediate seniors considering the medical certificate, even before getting the due permission from the competent authority had deployed petitioner at relatively less strenuous duty posts from 17/02/2019 to 21/02/2019 with a nature of mostly sitting duty.

9. With regard to averments made in para 9, it is submitted that the petitioner was mentioned to be deployed at ILBS access control/security duty post in night 21.02.2019 with pistol. Secondly, petitioner is giving misleading information about ILBS duty post saying that the said post is a screening/frisking duty post from where all airlines and airport staff are finally checked before departure. This duty post is the entrance to the facility where the registered baggage of passengers, moving in through conveyor belts from check in counters, are screened by concerned agency and their few screeners go into this ILBS facility for their said duty. At an airport all duty points are sensitive from security point of view including this duty point where access control and frisking duty is performed but no extra specialized skill is much required there other than what the petitioner already had. The petitioner was



2025:DHC:8061-DB



already a BASIC AVSEC course qualified person. All personnel posted in Airport Security duty are not BASIC AVSEC qualified. During the course of DE the petitioner had asked the information in writing that – “Whether the said duty point is a Screeners duty point or otherwise?” the information was duly given to him stating that from CISF/ASG point of view the said duty point is not a screener duty. The ILBS duty post is a relatively light and mostly sitting duty without any long range and heavy weapon as very few screeners staff of other agencies go inside during any 08 hours of CISF duty but the petitioner in the most unbecoming manner did not perform the duty at the last minute i.e. abruptly went away from the briefing point by putting down his Arms, Ammunition, belt & cap on the ground.

10. As already replied in para 10, it is submitted that the Petitioner was not deployed on ILBS'S X-BIS Machine to screen the hold baggage as a screener duty, as it is not CISF duties. At airport there are multiple agencies working with their defined roles and duties. In fact, with regard to his mentioning about ILBS being screener duty post with the following fact needs to be appreciated. ILBS (Inline Hold Baggage Screening System) is a system of screening the hold baggage, which is performed either by Airport Operator or another designated Agency, CISF does not perform this screener duty. However, CISF performs only the access control/Security duty at the entrance of ILBS facility, and the Petitioner was deployed on that point with pistol. From CISF point of deployment, it is not a screener duty post, as per survey. This fact was well aware to the Petitioner as he had asked this information during the course of DE, which was also duly provided to him and he acknowledged also vide Inter office note No.465 dt.22.4.2019. (COPY IS ENCLOSED AND MARKED AS **ANNEXURE-R/5**). Thus, despite being made aware in DE, he asked a wrong contextual question from BCAS in RTI “whether he, being a non-screener, can perform screener duty at ILBS of NIT?” accordingly BCAS also replied him in brief, in line with his wrong question, that - “No. As per the Aircraft Security Rules the screening duty shall be performed only by certified screeners.” Here due to wrong contextual question about screening at ILBS the BCAS replied only keeping in context the screening of hold baggage at ILBS, not about the duty related to CISF at its entrance. He should have asked the proper question like:- “What Duty CISF performs at ILBS entrance, whether at ILBS entrance only the certified screener from CISF is deployed?” It is once again submitted that at ILBS the CISF does only access control/security duty at entrance and Screening duty is performed by certified screener inside the ILBS to screen the hold baggage of passengers and from CISF point of view, as per manpower survey, it is not screener duty post. As such from screening of Hold Baggage point



of view, it is not CISF's job and no CISF person can be deployed to screen hold baggage in the ILBS. As such, there was no violation of BCAS orders/guidelines. Hence the allegation made by the Petitioner is wrong. This fact has already been cleared to the petitioner many a times starting from the time of holding Departmental Enquiry till he kept representing higher formations. Hence the petitioner is distorting the truth in front of Hon'ble Court despite knowing the truth well."

9. These aspects are, however, really tangential to the issue at hand. The dispute really germinates from a charge sheet which was issued to the petitioner on 15 March 2019, proposing to take disciplinary action against him under Rule 36 of the CISF Rules, 2001. The charge sheet contained three articles of charges which may be reproduced thus:

**"STATEMENT OF ARTICLES OF CHARGE FRAMED
AGAINST No. 102859647 CONSTABLE/GD ABHISHEK
HALDAR OF CISF UNIT ASG CHENNAI**

ARTICLE OF CHARGE - I

CISF No. 102859647 Constable/GD Abhishek Halдар, 'B' Company of CISF Unit ASG Chennai, on 21.02.2019 at about 2040 hrs during shift briefing of 'C' shift personnel at briefing point near New Barracks of ASG Chennai Unit Lines, shouted in loud voice against No. 034450088 SI/Exe. K. Rama Sathish (Shift 2 I/C) and No. 974480981 Insp/Exe G. Ravi Kumar (Company Commander 'B' Coy) for detailing him for duty with Arms and argued with Insp/Exe G. Ravi Kumar (Company Commander) in presence of other duty personnel. when Insp/Exe G. Ravi Kumar (Company Commander 'B' Coy) asked Constable/GD Abhishek Halдар to submit relevant medical documents for getting exemption from Armed duty by the competent authority. The above act on the part of No. 102859647 Constable/GD Abhishek Halдар of CISF Unit ASG Chennai amounts to gross misconduct, indiscipline and insubordination of being a member of disciplined Armed Police Force of the Union like the CISF. Hence, the charge.

ARTICLE OF CHARGE - II

CISF No. 102859647 Constable/GD Abhishek Halдар, 'B' Company of CISF Unit ASG Chennai immediately after entered into argument with Insp/Exe G. Ravi Kumar (Company Commander) in an aggressive manner on 21.02.2019 at about 2040



hrs, came out from shift fall-in, removed his Cap, Belt and issued Arms & Ammunition and put down the Cap, Belt and Arms & Ammunition on ground of briefing point in presence of duty personnel and left the briefing point without following proper procedure for safe keeping of Arms & Ammunition and also displayed disrespect to the Cap and Belt which are part of the Uniform. The above act on the part of No. 102859647 Constable/GD Abhishek Halder of CISF Unit ASG Chennai tantamount to gross indiscipline, insubordination and unbecoming of a member of a disciplined Armed Police Force of the Union like the CISF. Hence, the charge.

ARTICLE OF CHARGE - III

CISF No. 102859647 Constable/GD Abhishek Halder, 'B' Company of CISF Unit ASG Chennai deployed in "C" shift from 2100 hrs on 21.02.2019 to 0600 hrs on 22.02.2019 at NIT ILBS duty post with Arms willfully absented from the above duty without minding the advises of Company GO/IC to perform duty. The above act on the part of No. 102859647 Constable/GD Abhishek Halder of CISF Unit ASG Chennai amounts to gross misconduct, indiscipline and disobedience of lawful orders issued by seniors. Hence, the charge."

10. Following the issuance of the aforesaid charge sheet, an inquiry was held. Seven prosecution witnesses (PWs) were cited by the respondents. The petitioner was given an opportunity to cross examine the witnesses, which he availed. Thereafter, an inquiry report was issued on 10 May 2019. The petitioner was given an opportunity to represent against inquiry report, which he did. Thereafter, the Disciplinary Authority proceeded to pass the impugned final order dated 6 June 2019, removing him from service.

11. Insofar as the allegations against the petitioner are concerned, Mr. Bedi submits that a holistic appreciation of the evidence of the various witnesses would disclose that there was no cogent material to sustain the allegation that the petitioner had misbehaved with, or shouted at, his superior officers. He has relied, for this purpose, on a



2025:DHC:8061-DB



GD entry dated 21 February 2019, which was the date of the alleged incident as well as a special report of the next day, i.e., 22 February 2019, which did not make any reference to misbehavior by the petitioner, though they did note the fact that he put down his weapons and left the place. Insofar as putting down the weapons are concerned, Mr. Bedi's contention is that it was standard practice, on being told to leave the spot, for the officer to put down his weapons and leave. However, there is no cogent material on the basis of which Mr. Bedi could support his assertion that he was specifically directed by the officer to leave the spot.

12. Mr. Bedi has also advanced a submission that, even assuming everything against his client, the punishment was shockingly disproportionate to the alleged misconduct and has placed reliance, in this context, on two judgments rendered by Division Benches of this Court in *Ex. Const. Sanjay Kumar Dubey v UOI*³ and *Ex. HC/DVR. Mahipal Singh v UOI*⁴.

13. Mr. Sahu, by way of response, submits that the decision to remove the petitioner from service was arrived at, after following a due and complete procedure prescribed by law. There was innate compliance with all principles of natural justice, as the petitioner was even afforded an opportunity to cross examine all the PWs. It was on a holistic appreciation of the evidence available that the Inquiry Officer as well as the Disciplinary Authority came to the conclusion that the charges against the petitioner stood proved. He submits that, in such

³ 2016 SCC OnLine Del 1953

⁴ 2012 SCC OnLine Del 3951



circumstances, the Court should not interfere with the decision of the Disciplinary Authority. He further submits that, in the facts of the case, it cannot be said that the punishment is shockingly disproportionate to the allegations proved against the petitioner.

14. We have considered the submissions of learned Counsel for both sides.

15. Insofar the findings of the Disciplinary Authority are concerned, we are unable to agree with Mr. Bedi that, holistically seen, the charges against the petitioner were not proved. Apropos the evidence of the PWs, we may reproduce the following passages from the impugned order dated 6 June 2019, passed by the Disciplinary Authority, which record the gist of the statements of PW 1 and PW 2:

**GIST OF STATEMENT OF CISF No. 974480981 INSP./EXE G.
RABI KUMAR OF CISF UNIT ASG CHENNAI (PW-1)**

He deposed in his statement that he is presently performing the duties of Company Commander of 'B' company and on 20.02.2019 "B" Company personnel were deployed for "C" Shift CISC No. 102851647 CT/GD Abhishek Haldar was submitted an application regarding weapon excuse for 03 months & attached photocopy of one medical paper advised by a Doctor of M/s, Hindu Mission Hospital, Nanganallur and he forwarded the said application with his remarks to GO I/C of "B" Company. During de-briefing on 21.02.2019, as per direction of GO I/C, he told CT/GD Abhishek Halder to submit all concerned documents and medical treatment papers. CT/GD Abhishek Haldar agreed for the same and informed him that he had not done MRI Scan due to some financial problem. Insp/Exe G. Ravi Kumar asked him to submit the medical document as permission for the light duty or any excuse could only be given by DIG/CASO. On 21.02.2019 "B" Coy. personnel were assembled for 'C' Shift duty at Unit Lines and CT/GD Abhishek Haldar was detailed for NIT ILBS duty post. After withdrawal of 9 MM Pistol Butt no.- 328 and its prescribed ammunition from Unit Kote, CT/GD Abhishek Haldar reported to briefing point. At about 2040 hrs, during the shift briefing he started shouting and arguing with Shift



2nd I/C SI K. Rama Sathish regarding his doctor's advice. At that time, SI K. Rama Sathish also told him to submit the relevant document and directed him to wait till grant of permission by the competent authority. After that CT/GD Abhishek Haldar came out from briefing fall-in, put down his cap, belt, arms & ammunition on the ground and told that "MAINE NAUKRI NAHI KARNA HAI, RESIGN KARNA HAI". CT/GD Abhishek Haldar also told that if doctor gave the light duty then why he was not detailed for light duty and left from that place. The matter was informed to GO I/C by him, who reached the spot immediately. The shift personnel left for the duty from Unit Lines but Const./GD Abhishek Haldar did not go for duty. Arms & Ammunition which were put down by Const./GD Abhishek Haldar, was deposited at Unit Kote. In the place of Const./GD Abhishek Haldar, another Const./GD Mulayam Singh was detailed at the duty post. GO I/C called Ct/GD Abhishek Haldar and talked about his indiscipline behavior but the said CT/GD was very adamant. GO I/C asked him to perform his duty but he declined the order. In this regard, he produced the following documentary evidence as Prosecution Exhibits: -

1. Copy of duty deployment chart of "B" company, 'C' shift dated 21/02/2019 **(PW-1/Exhibit P-01)**
2. Extract of GD entry no. 1468 made in unit line control room on 21/02/2019 at 2121 hrs. **(PW-1/Exhibit P-02)**
3. Extract of GD entry no. 1469 made in unit line control room on 21/02/2019 at 2125 hrs. **(PW-1/Exhibit P-03)**
4. Extract of GD entry no.1494 made in unit line control room on 22/02/2019 at 0706 hrs. **(PW-1/Exhibit P-04)**
5. Copy of special report sent to DIG/CASO by company commander 'B' company vide letter No. 428, dated 22/02/2019. **(PW-1/Exhibit P-05)**

**GIST OF STATEMENT OF CISE No. 034450088 SI/EXE K.
RAMA SATHISH (PW-2)**

He deposed in his statement that he reported to this unit on May-2017 and presently performing the duty of screener. On dated 21.02.2019 he was deployed for 'C' Shift under 'B' Company and detailed at NIT'S X-BIS-07 as well as of 21/C of NIT. At about 2040hrs he was asked the all duty personnel to assemble for shift briefing at unit lines and briefed the SOP & Circular of the day. After that he asked the duty personnel regarding duty related doubts. At that time Const./GD Abhishek Haldar of 'B' Coy. told that in spite of doctor's advice for light duty, he was issued with arms and ammunition. At that time Company Commander Insp./Exe G. Ravi Kumar who was standing behind him intervened and told to submit the necessary medical documents for light duty. Company Commander also tried to convince him and told that only CASO is



the sanctioning authority for the light duty but CT/GD Abhishek was talking in a belligerent and enraged voice, his words and bodily expression were totally indicated of his disrespect for superior officers and show's his total disregard towards rank and structure being followed. Later, CT/GD Abhishek came out from the shift fall-in and removed his cap, belt, arms & ammunition and put down before the shift personnel and told that "MAINE NOUKRI NAHI KARNA HAI RESIGN KARNA HAI" and left the place.

The Charged Official was provided opportunity to cross examine the PW-2 which he availed.

16. Mr. Bedi candidly acknowledges that the statements of PW-1 and PW-2 could not be satisfactorily dislodged in cross examination. He, however, submits that so far as the remaining PWs are concerned, PWs 3 and 4 did not advance any deposition adverse to the petitioner and the deposition of PW 5 to PW 7 clearly indicated that they were acting on hearsay.

17. We agree with Mr. Bedi to the effect so far as his submissions regarding PW-3 to PW-7 are concerned. That, however, does not detract from the fact that PW-1 and PW-2 clearly deposed against the petitioner and had effectively proved the allegations of misconduct by way of misbehavior with his superior officer, putting down his weapons and even stating that he was not interested in continuing in the force. The petitioner was not able to dislodge the effect of the said statements in cross examination. In such circumstances, we are unable to return a finding that the charges against the petitioner were not proved by the evidence which was available.

18. This, therefore, is not a case of no evidence. There was cogent evidence against the petitioner at least in the form of the statement of two of the PWs. One such evidence is available, the pronouncements



of the Supreme Court clearly proscribe a writ court re-appreciating the evidence and arriving at its own subjective conclusion. We may refer in this context the judgment of the Supreme Court in ***B.C. Chaturvedi v UOI***⁵.

19. Mr. Bedi also sought to point out that the respondents was relying on a letter which was forged and not written by his client. He has invited our attention to a copy of the letter. Having seen the said copy, we are unable to satisfy ourselves that this letter is forged, apart from the fact that the comparison that Mr. Bedi seeks to make with another letter which is written in Hindi. Needless to say, it is not possible for us to return any finding on the alleged forged letter which is written in English based on a letter which is written in Hindi. The only other submission of Mr. Bedi is that the signature of the petitioner does not match. That again cannot be a basis for us to hold that the letter is forged, as it is quite possible that the petitioner himself appended a signature which was different from his usual signature.

20. In any event, even if the said letter is eschewed from consideration, the outcome of this litigation would be no different.

21. The only issue that remains for consideration is, therefore, the aspect of proportionality of the punishment awarded to the petitioner. It is true that the petitioner has been visited with an extreme punishment of removal from service. At the same time, the petitioner is a member a disciplined and uniformed force. In such a force, the

⁵ (1995) 6 SCC 749



2025:DHC:8061-DB



kind of behaviour, which according to PW-1 and PW-2, the petitioner displayed, cannot be said to be tolerable. Even in the case of non-uniformed establishments, the Supreme Court has, in ***Muriadih Colliery v Bihar Colliery Kamgar Union***⁶ and particularly in ***Punjab Water Supply Sewerage Board v Ram Sajivan***⁷, observed that indiscipline at the workplace was a misconduct which was required to be viewed seriously. In a disciplined and uniformed force, this principle would apply with greater emphasis, as the sovereignty of the country and security of its citizenry hang in the balance. We are not convinced, therefore, that this is a case where the punishment awarded is shockingly disproportionate to the proved misconduct, so as to enable us to grant any relief on the ground of disproportionality.

22. The decisions cited by Mr. Bedi are clearly distinguishable. ***Sanjay Kumar Dubey*** which was a case of domestic dispute between the two employees concerned. This is clear from paras 25 to 27 of the report in that case which read thus:

“25. From the evidence discussed by us, it is apparent that Sanjay did make a complaint about the intimidation Rajesh and his family was causing to him and his family and the matter was within the knowledge of Commandant. Although Rajesh has denied this fact, the testimony of witnesses fortifying the Sanjay's claim that there was some dispute between him and his family and Rajesh and his family. This was apparently the reason and the root cause behind the brawl between the two. It is also apparent from the testimonies of witnesses and other facts and circumstances that there was no premeditation and preparation and everything had happened at the spur of the moment. None of them had received injuries in the brawl.

26. The Supreme Court in the case of ***Vishwanath v Union of***

⁶ (2005) 3 SCC 331

⁷ (2007) 9 SCC 86



India⁸ wherein on a sudden provocation and insinuation, the control was lost and scuffle ensued between the Constables of Railway Police Force, the Supreme Court had found the extreme penalty of removal disproportionate and harsh and converted it into a lesser punishment. The Supreme Court on considering the circumstances was of the view that the entire incident had happened predominantly because of sudden and grave provocation. Although the petitioner therein had belonged to the Force, the Court was of the opinion that the act of the petitioner could be termed as irresponsible behaviour for which extreme penalty was inconceivable.

27. The material on record in this case also shows that both the petitioners had entered into a spat due to some domestic issues between them. This is in fact admitted during the disciplinary proceedings by the evidence of a CISF witness. Sanjay and Rajesh's tension and their mutual antagonism boiled over when Sanjay came face to face with Rajesh. The sequence of the occurrence clearly suggests that the altercation was nearly spontaneous; first, the blow on Sanjay's face by Rajesh and the latter taking out his pistol. The weapon was not pointed at any time at Sanjay or anyone. The CCTV footage does not bear out the allegation that it was cocked by Sanjay. In the given circumstances, at most the petitioners' conduct should be considered as seriously irresponsible behaviour; but not so as to warrant their removal or dismissal."

23. Insofar as **Mahipal Singh** is concerned, Mr. Bedi places reliance on paras 12 and 13 of the report, which read thus:

"12. We find that the apparent contradictions in the testimony of the witnesses vis-à-vis the role of the petitioner in the incident and in particular the contradiction in the testimony of the witnesses who deposed having witnessed the incident, vis-à-vis the testimony of cook Inderpal Singh, the central actor and the victim of the episode, have just not been discussed by the Inquiry Officer.

13. We refer back to paragraph 3 of our decision, where we have reproduced the articles of charge framed against the petitioner. We highlight that the so called article-6 of the charge is actually not a charge, but is to bring home the point that petitioner's past conduct would be considered, and obviously on the subject of the penalty to be levied if the first five charges stood proved. The five articles of charge are the five limbs of a running incident and

⁸ (2008) 1 ALLMR (SC) 471



2025:DHC:8061-DB



thus we may summarize that the substance of the allegations was that in the intervening night of 28th and 29th March 1998 the petitioner gave beating to cook Inderpal firstly at the unit lines and then in front of the Quarter Guard. While doing so he shouted and abused and thus created a nuisance at the Unit lines and disturbed the peace at the Unit lines. When taken to the hospital for a medical checkup he refused lawful command to undergo a medical examination and by shouting and abusing at the NPC Hospital he created a nuisance at the hospital and hence tarnished the image of CISF. When directed to appear thereafter in the room of the Asstt. Commandant, he refused to do so and thereby disobeyed lawful command.”

It is clear that ***Mahipal Singh*** is not a decision which enable us to hold that the punishment awarded to the petitioner was disproportionate to the misconduct found to have been proved by him.

24. In these circumstances, we regret that we are not in a position to come to the aid of the petitioner.

25. The writ petition is accordingly dismissed with no order as to costs.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 10, 2025/aky