



2025:DHC:2599-DB



\$~

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

Reserved on: 03.04.2025
Date of Decision: 16.04.2025

+ W.P.(C) 8305/2017

DURGA PRASAD YADAVPetitioner

Through: Mr. P. Sureshan, Adv.

versus

DIRECTOR GENERAL CISF AND ORSRespondents

Through: Mr. Vivek Goyal, Mr. Gokul
Sharma, Advs. for UOI with G.S. Rathore,
AC and A.N. Choubey, (CISF)

CORAM:**HON'BLE MR. JUSTICE C.HARI SHANKAR****HON'BLE MR. JUSTICE AJAY DIGPAUL****J U D G M E N T**

%

AJAY DIGPAUL, J.

1. The petitioner/Durga Prasad Yadav, was appointed as a Sub-Inspector in the Central Industrial Security Force¹ on 24.12.2002 and, upon successful completion of training, was confirmed in service. In August 2011, he was promoted to the rank of Inspector/Executive and was posted at the CISF Unit, IGI Airport, New Delhi, at the material time.

2. On 04.06.2016, the petitioner was appointed as an Enquiry Officer to conduct departmental proceedings under Rule 36(5)(a) of the CISF Rules, 2001, against one HC/GD Ramesh Chand. The enquiry required coordination with and examination of civilian witnesses, for which the petitioner considered it necessary for him to

¹ "CISF", hereinafter



2025:DHC:2599-DB



be assigned general shift duty, which goes on from 1:00 PM to 9:00 PM, as opposed to his existing morning shift duty from 5:00 AM to 1:00 PM.

3. On 04.07.2016, at approximately 04:45 AM, during the morning briefing, the petitioner raised this request before Assistant Commandant Rajkumar. According to the petitioner, Assistant Commandant Rajkumar responded by stating that CISF personnel are liable to perform duty for 24 hours a day. The petitioner then sought a written clarification regarding the rule or regulation that mandated continuous 24-hour duty. The Assistant Commandant reportedly agreed to provide such clarification in writing.

4. In light of this exchange, the petitioner submitted a formal application on the same date, requesting a written order of the applicable rule that required 24-hour duty. The Assistant Commandant, instead of issuing such an order, directed the petitioner to read Section 15 of the CISF Act, 1968, and attached an excerpt from the said provision. The said section stipulates that CISF personnel are to be considered always on duty and may be deployed anywhere within or outside India.

5. Thereafter, the Assistant Commandant sought an explanation from the petitioner for his actions, granting 24 hours to respond. In reply, the petitioner sent a letter requesting the order that required him to perform 24-hour duty. Subsequently, the Assistant Commandant again sought an explanation from the petitioner.



2025:DHC:2599-DB



6. The petitioner, in response, submitted a written explanation on 09.07.2016. In his reply, he asserted that his application was submitted in good faith and with the prior consent of the Assistant Commandant, from whom he has yet to receive a response. He denied any use of improper or indecent language in his correspondence and maintained that submitting written representations was within his rights under the CISF Rules. It was insisted by the petitioner, that the specific rule alleged to have been violated be clearly stated prior to the initiation of any further disciplinary action.

7. On 10.07.2016, a charge memorandum was issued to the petitioner under Rule 37 of the CISF Rules, 2001. The charges levelled against him included: (i) refusal to comply with verbal instructions to perform extended hours of duty, (ii) use of immoral and undignified language in the letter addressed to superior officer, (iii) creating unrest and inciting disobedience among other force members, (iv) inappropriate and misleading correspondence and (v) non-compliance and disrespect of authority.

8. The charge memorandum specifically referred to five letters written by the petitioner, dated 04.07.2016 (No. 253), 05.07.2016 (No. 255), 07.07.2016 (Nos. 256 and 257), and 09.07.2016 (No. 265).

9. The petitioner submitted a detailed reply refuting the allegations. He reiterated that the letters were prompted by administrative necessity in the context of the enquiry duties assigned



2025:DHC:2599-DB



to him. He stated that the correspondence had been made respectfully, and in either English or Hindi, and was neither indecent nor in violation of service conduct. He further contended that requesting clarification or submitting official communications could not, by itself, be construed as an act of misconduct.

10. On 04.08.2016, the Assistant Commandant, acting as the Disciplinary Authority, passed an order finding the petitioner guilty of misconduct and imposed the penalty of deduction of three days' pay as per Rule 34(x) of Schedule-I of Rule 32 of CISF Rules, 2001.

11. The petitioner preferred a statutory appeal against the said order. The appeal was dismissed by the Appellate Authority, the Senior Commandant, CISF Unit, IGI Airport, on 24.12.2016. The appellate order endorsed the view that the petitioner's communications complicated office functioning and that seeking written confirmation for every verbal instruction undermined the chain of command.

12. The petitioner thereafter preferred a revision petition. The Revisional Authority, the Deputy General Inspector, Office of CASO, CISF, IGI Airport, by order dated 17/18.02.2017, upheld the findings and penalty, noting that the petitioner has behaved with his senior officers in a very immoral and indecent manner in front of other force members, which is against the dignity of senior officers.



2025:DHC:2599-DB



13. Aggrieved from this, the petitioner has filed the present writ petition under Article 226 of Constitution of India, wherein the following reliefs are sought:

“a) To quash and set aside the orders dated 4.8.2016 passed by Asst. Commandant, Shri Rajkumar, A-3 Company, CISF Unit, IGI Airport, Appellate order dated 24.12.2016 passed by Senior Commandant CISF Unit, IGI Airport and the revisional order dated 17/18.2.2017 passed by the Deputy Inspector General, CISF Unit IGI Airport, New Delhi and exonerate the petitioner from the allegation leveled against him vide letter No. 347 dated 10.7.2017 issued by Sh Rajkumar, Assistant Commandant, A-3 Company, CISF Unit IGI Airport, New Delhi;

b) Direct the respondents to pay cost of this litigation to the petitioner.

c) Any other further order/relief which is Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also be passed in favour of the petitioner and as against the respondent.”

14. Heard learned Counsel for the petitioner, who is challenging the disciplinary, appellate, and revisional orders. It is contended by him that the disciplinary proceedings initiated against him stand vitiated on the ground that the Assistant Commandant, who issued the charge memorandum and adjudicated the matter, was himself involved in the incident forming the basis of the disciplinary action. The petitioner invokes the rule of *nemo iudex in causa sua*, that ‘no one ought to be a judge in their own cause.’

15. However, a mere allegation of bias, absent any demonstrable prejudice or breach of statutory procedure, cannot render the proceedings illegal. As per Rule 32 of the CISF Rules, 2001, read with Schedule-I, the disciplinary authority competent to impose penalties on an enrolled member of the Force includes the officer under whose



2025:DHC:2599-DB



administrative control the member is serving, as well as any superior authority specified therein. Rule 37 outlines the procedure to be followed before imposing minor penalties and does not prohibit the immediate supervisory officer, if duly designated as the disciplinary authority under Rule 32, from initiating such action. In the present case, the charge memorandum dated 10.07.2016 was issued by an officer competent under these provisions, and the procedural safeguards mandated under Rule 37, such as service of documents and opportunity to respond, were duly complied with. We, therefore, reproduce Rule 32 and 37 of the CISF Rules, 2001 hereunder:

“32. Disciplinary Authorities.—(1) The disciplinary authority in respect of an enrolled member of the Force for the purpose of imposing any particular penalty or the passing of any disciplinary order shall be the authority specified in this behalf in Schedule I under whose administrative control the enrolled member is serving and shall include any authority mentioned in the said Schedule superior to such authority.

XXX

37. Procedure for imposing minor penalties.— (1) No order imposing any of the minor penalties specified in Rule 34 shall be made except after,—

- (a) informing the enrolled member in writing of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he wishes to make against the proposal;
- (b) holding an inquiry, if the disciplinary authority so desires, in the manner laid down in sub-rules (3) to (22) of the Rule 36;
- (c) taking the representation, if any, submitted by the enrolled member under clause (a) and the record of inquiry, if any, held under clause (b) into consideration; and
- (d) recording the findings on each imputation of misconduct or misbehaviour.

(2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the Government servant under



2025:DHC:2599-DB



clause (a) of that sub-rule to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding 3 years or to withhold increments of pay with cumulative effect for any period an inquiry shall be held in the manner laid down in sub-rules (3) to (22) of Rule 36 before making any order imposing on the enrolled member of the Force any such penalty.

(3) The records of the proceedings in such cases shall include,—

- (i) a copy of the intimation to the enrolled member so charged of the proposal to make action against him;
- (ii) a copy of the statement of imputation of misconduct or mis-behaviour delivered to him;
- (iii) his representation, if any;
- (iv) the evidence produced during the enquiry, if any;
- (v) the findings on each imputation of misconduct or misbehaviour; and
- (vi) the orders on the case together with the reasons therefor.”

16. Furthermore, the claim of bias is neutralised by the fact that two independent authorities, namely the Appellate Authority being the Senior Commandant and the Revisional Authority being the Deputy Inspector General, examined the matter on merits and upheld the findings against the petitioner. The orders dated 24.12.2016 and 17/18.02.2017 explicitly record that the petitioner had behaved in a manner unbecoming of an Inspector in a disciplined force and that his actions were not merely procedural lapses but indicative of a pattern of insubordination, including use of undignified language and unwarranted questioning of superior officers during official briefings.

17. As to the applicability of Section 15 of the CISF Act, 1968, it is significant to note that the petitioner’s initial objection pertained to a verbal directive to perform extended hours of duty. The Assistant Commandant, in response, cited Section 15, which declares that:

Signature Not Verified

Signed By:SHI/PI W.P.(C) 8305/2017
Signing Date:16.04.2025
13:36:53

Page 7 of 9



2025:DHC:2599-DB



“15. Officers and Members of the Force to be considered always on duty and liable to be employed anywhere in India :-

- (1) Every member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time be liable to be employed at any place within or outside India.
- (2) Save as provided in section 14, no member of the Force shall engage himself in any employment of office other than his duties under this Act.”

While the provision does not imply continuous 24-hour physical deployment, it underscores the overarching principle of availability and deployability, which is foundational to service in the Force. The petitioner, instead of raising his administrative difficulty through formal channels, chose to question the order publicly and persistently during the briefing. This conduct was viewed as insubordination by both superior authorities.

18. The Revisional Authority noted that the petitioner’s letters dated 04.07.2016, 05.07.2016, 07.07.2016 and 09.07.2016 were couched in a tone that undermined the chain of command. While the petitioner asserts that these were respectful communications seeking clarity, their cumulative tenor was not in consonance with the discipline expected of a member of the Force. Notably, the petitioner made no attempt to approach the Senior Commandant/T-3, or to seek administrative adjustment in a manner appropriate for someone holding the rank of Inspector.

19. As regards the nature of penalty imposed, Rule 32 of CISF Rules, 2001 read with Schedule-I and Rule 34(x), empowers the disciplinary authority to impose the minor penalty of deduction of pay



2025:DHC:2599-DB



not exceeding seven days. In the instant case, the penalty imposed was deduction of three days' pay, which is well within the prescribed limit and proportionate to the established misconduct. We find no exceptional circumstances exist to justify judicial interference with such a minor penalty, particularly when it has been affirmed by the appellate and revisional authorities after due application of mind.

20. The learned Counsel for the respondents, Mr. Vivek Goyal contend that the disciplinary proceedings were conducted strictly in accordance with the abovementioned rules and that the petitioner's conduct, including defiance during briefing, repeated argumentative communications, and use of disrespectful language, amounted to clear insubordination, especially in a disciplined force.

21. In view of the foregoing discussion, this Court finds no illegality or perversity in the disciplinary proceedings conducted against the petitioner. The penalty imposed is minor in nature and proportionate to the misconduct established on record. We, therefore, concur with the orders passed by the authorities. The present petition is accordingly dismissed.

AJAY DIGPAUL, J.

C. HARI SHANKAR, J.

APRIL 16, 2025/AS

Click here to check corrigendum, if any