

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18809 of 2013

=====

Bipin Kumar Son Of Sri Bishundeo Singh Permanent Resident Of Mohalla-
New Colony, Dumari, P.S.- Mufassil, Dist- Begusarai, Presently Posted As
Constable, Cisf Unit, Kbunl, Kanti, Muzaffarpur Petitioner/s

Versus

1. The Union Of India through Secretary, Ministry of Public Grievances and Pensions, Department of Personal and Training, North Block, New Delhi
 2. The Director General, CISF Head Quarters, No. 13 CGOs Complex, Lodhi Road, New Delhi- 100003
 3. The Group Commandant, CISF Group Head Quarters, Patna
 4. The Deputy Inspector General, CISF Group Head Quarters, Patna
 5. The Deputy Commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur
 6. The assistant commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur
 7. The inspector, CISF Unit, KBUNL, Kanti, Muzaffarpur
 8. The company Hawaldar Manager, CISF Unit, KBUNL, Kanti, Muzaffarpur
- Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Nityanand, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. C.G.C.
	:	Mr. R. K. Sharma, C.G.C.
	:	Mr. Abhishek Kumar Verma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 17-03-2026

Heard the parties.

2. The present writ petition has been filed for the
following reliefs:-

- (1) For quashing the order dated 05.04.2013, contained in Order No. V Passed by the KBUNL, Kanti, 15014/ CISF/Disc-37/2013/671, Assistant Commandant, CISF Unit, by which the Muzaffarpur, petitioner has been awarded the punishment of Pay fine equal to his 07 days pay, i.e. deduction of amount equal to seven daya salary.
- (ii) For quashing the 22.04.2013, order dated contained in Order No. 15014/ CISF/



KBUNL/ Disc-37/ 2013/ 755, passed by the Deputy Commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur, by which the appeal petition submitted by the petitioner has been rejected holding the same devoid of merit and baseless.

- (iii) For quashing the order dated 28.06.2013, contained in Order No. 3307, passed by the Group Commandant, CISF Group Head Quarters, East Part, Patna, by which the revision petition, dated 24.04.2013, submitted by the petitioner, has been rejected holding the same devoid of merit.

3. The brief facts giving rise to the present writ petition are that the petitioner was appointed as a Constable bearing no. 963512831 in the Central Industrial Security Force. After being transferred from CISF Unit at H.E.C. Ranchi, the petitioner gave his joining at CISF Unit KBUNL, Kanti, Muzaffarpur and was regularly discharging his duties. In the month of January 2013, one CH.M. Krishna Kumar asked the petitioner to pay Rs. 2000/- for managing the higher authorities, for which a complaint was made to the Inspector as well as to the Assistant Commandant by the petitioner, but no action was taken, then the petitioner was constrained to file a representation before the higher authorities, including the Director General, CISF, New Delhi through the department on 03.02.2013. On the



representation dated 03.02.2013, filed by the petitioner, a show cause was issued to the petitioner by the Deputy Commandant, CISF vide Letter No. 269 dated 08.02.2013. The petitioner filed his reply to the show cause notice, on 11.02.2013, but without considering the reply of the petitioner, the petitioner was awarded punishment of censure vide order dated 06.03.2013 contained in Memo No. 466 by the Deputy Commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur. Again, a show cause notice was issued to the petitioner vide letter no. 261 dated 07.02.2013, issued under the signature of the Assistant Commandant, CISF Unit, KBUNL, Kanti with an allegation that the petitioner has ill treated and attempted to assault the C.H.M. of the unit, namely, Kishan Kumar with *Chaila* and petitioner had also referred to him as *Chugalkhor*. The petitioner asked for certain documents and evidence in support of the charges levelled against him, by way of filing an application dated 08.02.2013, but without providing the same, vide Letter No. 354 dated 22.02.2013, the proceeding was initiated against the petitioner in the name of the preliminary enquiry and it was stated that since it is a preliminary enquiry, no document or evidence is required to be provided to the petitioner. The petitioner was directed to file his show cause reply within two days. On which again the



petitioner asked for the documents and evidences in support of the charges levelled against him, by way of filing an application dated 23.02.2023, but without furnishing the documents and evidences to the petitioner, enquiry was conducted by the Inspector of the Unit and finally the punishment of deduction of amount equivalent to 7 days of pay of the petitioner was awarded. The petitioner preferred an appeal before the Competent Authority, wherein he raised all the grounds which he has taken while filing his reply, but the appellate authority, without considering the same, proceeded to reject the appeal filed by the petitioner vide order contained in Memo No. 15014//CISF/KBUNL/Disc-37/2013/755 dated 22.04.2013. Being aggrieved with the order of punishment as well as the order of the appellate authority, the petitioner filed revision before the competent authority, but the same was also dismissed vide Order No. 3307 dated 28.06.2013, passed by the Group Commandant, CISF, Group Head Quarter, East Zone, Patna.

4. The learned counsel for the petitioner submits that Rule 37 of the CISF Rules, 2001 deal with the procedure for imposing minor penalties, wherein the procedure has been laid down for imposing any minor penalty on a delinquent employee of the CISF. He points out that Rule 37(b) provides



for holding enquiry, if the disciplinary authority so desires, in the manner laid down under Sub-Rule 3 to 22 of Rule 36. The said points Rule 36(3) is being reproduced hereinbelow:-

“3) Where it is proposed to hold an inquiry against an enrolled member of the Force under this rule the disciplinary authority shall draw up or cause to be drawn up-

(i) the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputation of misconduct or misbehaviour in support of each article of charge, which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the enrolled member of the Force,

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained”

5. The learned counsel for the petitioner submits that no procedure as envisaged in under Rule 36 (3-22) of the CISF Rules, 2001 were followed, while imposing the punishment upon the petitioner, therefore, the orders contained in Memo No. 15014/CISF/Disc-37/2013/671 dated 05.04.2013 passed by the Assistant Commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur is fit to be set aside and also the order



passed by the Appellate Authority and the order passed by the Revisional Authority are also fit to be set aside.

6. Per contra, the learned counsel for the Union of India submits that for indisciplined act of the petitioner, he was issued a charge memo under minor proceeding in terms of Rule 37 of the CISF Rules, 2001 vide Charge Memo No. 261 dated 07.02.2013 and there is no provision to supply document under Rule 37 of the CISF Rules, 2001. The same was intimated to the petitioner with a direction to submit his reply within two days, however the petitioner was adamant in his stand and failed to submit his reply, as such the petitioner was awarded minor punishment of 7 days pay fine vide order no. 671 dated 05.04.2013. He submits that the orders passed by the disciplinary authority as well as the appellate authority and the Revisional Authority are in accordance with the Act and Rules of the CISF, therefore, there is no infirmity in the same.

7. Having heard the learned counsel for the parties and after going through the materials available on record, this Court finds that while imposing the punishment order, no procedure was followed by the authorities concerned as provided in Rule 37 of the CISF Rules, 2001, since admittedly, no list of document or witnesses were ever provided to the



petitioner and the authorities concerned proceeded to pass the punishment order in complete violation of the provisions prescribed in Rule 37 of the CISF Rules, 2001. Before passing the order of punishment, the procedure prescribed in Rule 37 and 36 (2 to 22) of the CISF Rules, 2001 were required to be followed and in absence thereof, the entire punishment order is not sustainable.

8. Accordingly, the order contained in Memo No. 15014/CISF/Disc-37/2013/671 dated 05.04.2013 passed by the Assistant Commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur, order contained in Memo No. 15014/CISF/Disc-37/2013/755 dated 22.04.2013 passed by the Deputy Commandant, CISF Unit, KBUNL, Kanti, Muzaffarpur and the Order No. 3307 dated 28.06.2013 passed by the Group Commandant, CISF Group Head Quarters, East Zone, Patna deserves to be set aside and are hereby set aside.

9. The petitioner shall be entitled to refund/payment of the money/amount, which has been deducted on account of the punishment awarded to him vide order dated 05.04.2013, forthwith.

10. The writ petition is allowed in the aforementioned terms.



11. Pending applications, if any, shall also stands
disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	24 .03.2026
Transmission Date	NA

