

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

WPA 13249 of 2022

Ellumalai R.

Versus

Union of India & Ors.

For the Petitioner : Mr. Aniruddha Datta, Adv.

For the Union of India : Ms. Chandreyi Alam, Adv.

Heard on : 16.04.2026

Judgment on : 08.05.2026

Ajay Kumar Gupta, J.:-

1. Being aggrieved with the punishment awarded by the Disciplinary Authority for penalty of "Pay Fine Equivalent to Two Days" and, subsequently, rejection of his appeal and revision by the Appellate Authority, the petitioner prays for relief, *inter alia*, as follows:--

*"a) A Writ in the nature of Mandamus
quashing and setting aside Final Order being*

No. CISF/C Coy/ISP(B)C COY/Minor/2021-17 dated 29.01.2021, Appellate Order being No. 15099/CISF/ISP(B)/No/UR-37/ER/2021/2098 dated 12.04.2021 and revisional order being No. 15099/CISF/ISP(B)/No/Revision/UR-37/E.R/2021/7695 dated 20.12.2021 passed by Respondents No. 4, 3 and 2 respectively, being improper and illegal;.

b) A Writ in the nature of Mandamus directing the Respondents concerned to restore the two days pay-fine imposed upon the petitioner and remove the said entry from his service records as a consequence of setting aside of his punishments;

c) A writ in the nature of Mandamus commanding the respondents, their men, agents and all of them to grant promotion to the petitioner by ignoring the adverse entry of the two-day pay fine in his service record, as imposed on him by the disciplinary authority, in case he qualifies the departmental examination for LDC or any other such exam;

d) Rule NISI in terms of prayer (a), (b) and (c) above;

e) Interim order in terms of prayer (c) above;

f) Such further and other order or orders be made and/or directing or directions be given

as to this Hon'ble Court may deem fit and proper;"

FACTS OF THE CASE:-

- 2.** The brief facts, leading to the filing of this writ petition, are as follows:
 - a.** The petitioner was serving as a Constable/General Duty bearing No. 170130523 in CISF Unit, IISCO Steel Plant (in short 'ISP'), situated within the premises of ISP, Burnpur, Post Office – Burnpur, District – Paschim Burdwan, PIN – 713 333, under the direct command of the Assistant Commandant, CISF Unit, ISP Burnpur (Respondent No. 4 herein).
 - b.** On 26th October, 2020, the petitioner was assigned duty at the CISF Duty Post marked “WT.23+NALA” in the ISP Burnpur compound from 21.00 hrs till 05.00 hrs of 27.10.2020. On the said day, while checking the AC/Plant at around 00.55 hrs. of 27.10.2020, the petitioner was allegedly found asleep while seated in his chair at his duty post.
 - c.** Pursuant thereto, the respondent no. 4 issued a show cause notice to the petitioner asking him to explain as to why disciplinary action should not be taken against him for the aforesaid incident. In response, the petitioner stated that he had been suffering from fever and body pain on the said day and, despite having been

advised to take rest by the doctor, he continued to perform his duty owing to shortage of manpower. On such grounds, he requested that no punitive action be taken against him.

- d.** Thereafter, without considering the aforesaid explanation, the petitioner was issued a memorandum being No. CISF/C Coy/ISP(B)/C-COY/Minor/2020/127 dated 30.12.2020, along with an Article of Charge alleging gross misconduct, carelessness and dereliction of the directions of higher authorities, amounting to conduct unbecoming of a member of a disciplined force like CISF. The petitioner was granted an opportunity to make a representation against the charges within 10 days from the receipt of the memorandum.
- e.** The petitioner made a representation dated 06.01.2022 reiterating his explanation with supporting medical documents and prayed for dropping of the disciplinary proceedings on the ground of illness, contending further that imposition of punishment would adversely affect his career prospects. However, without due consideration of his representation, a Final Order was issued against the petitioner, thereby awarding a penalty of “Pay Fine Equivalent to Two Days” by respondent no. 4 herein.

- f.** Feeling aggrieved thereby, the petitioner preferred an appeal against the said final order before the Deputy Commandant, CISF Unit, ISP Burnpur (Respondent no. 3 herein) on 24.02.2021. The said appeal was considered, and rejected on the ground that it was devoid of merit.
- g.** Pursuant to the aforesaid rejection, the petitioner preferred an application before the Commandant, CISF Unit ISP Burnpur (Respondent no. 2 herein) seeking revision of the aforesaid appellate order on 30.09.2021, and praying for setting aside the order dated 29.01.2022 passed by the disciplinary authority and for exoneration from the charges levelled against him. According to the petitioner, the continuance of such punishment adversely affected his service career, particularly when he was due to appear in the LDC Examination in the year 2021. Hence, the present writ petition.

SUBMISSIONS ON BEHALF OF THE PETITIONER:-

- 3.** Learned counsel appearing on behalf of the petitioner submitted that the petitioner was assigned 12 hours of duty from 17.00 hrs to 05.00 hrs on 26.10.2020, and again 8 hours of duty from 21.00 hrs to 05.00 hrs on 27.10.2020. In other words, it was contended that the

petitioner was being made to work above and beyond his regular hours due to a shortage of employees.

4. It was further submitted that the disciplinary authority also did not consider his sincere, diligent, and satisfactory performance prior to the incident. He had no intention to sleep on the chair, but his medicines, as prescribed by the doctor, made him dizzy. Therefore, the question of misconduct, carelessness and dereliction of duty did not arise.
5. Considering the age and career of the petitioner, the disciplinary authority as well as appellate authority should not have imposed such a penalty, even a minor punishment, on the background of shortage of employee, sickness and assigning duty for long hours.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:-

6. On the other hand, learned counsel appearing on behalf of the Union of India submitted that a duty was assigned to the petitioner at duty post WT.23+NALA on 26.10.2020 from 21.00 hrs to 05.00 hrs on 27.10.2020, and during duty hours, the petitioner was found sleeping on the chair at his duty post on 27.10.2020 at about 00.55 hrs, by the Assistant Commandant/Plant during surprise checking of Petitioner's duty post.

- 7.** Even for the sake of argument, if it is considered that he fell asleep on account of his sickness, he should have applied for leave on medical grounds, or he could have also utilised his casual leaves. However, no such prayer was made before the concerned authority. He also did not follow the doctor's instruction to take rest.
- 8.** Learned counsel further submitted that the medical document, supporting his contention about illness, was dated 26.10.2020, i.e. prior to the alleged incident, wherein certain medicines had been prescribed by the doctor. However, the petitioner failed to produce any medical document certifying that he was medically unfit either immediately prior to undertaking the duty or during the relevant duty hours on the intervening night of 26th October, 2020 and early hours of 27th October, 2020.
- 9.** Apart from that, the disciplinary authority found him sleeping on his duty post, which is a gross misconduct, carelessness and dereliction of his duty. The duty of disciplined forces like CISF is strictly to be applied, and there is a provision for medical and casual leave for every CISF employee. Despite the said fact, the disciplinary authority has imposed only a minor penalty of "Pay Fine Equivalent to Two Days". Therefore, the writ petition has no merit and is liable to be dismissed.

FINDINGS AND ANALYSIS OF THIS COURT:-

10. Having heard the arguments and submissions of the learned counsels appearing on behalf of the respective parties and upon perusal of the materials placed on record, this court finds that it is undisputed fact that the petitioner was found sleeping on the chair at the duty post on 27.10.2020 at about 00.55 hrs. The petitioner contends that he had been assigned long shifts of 12 hrs and 8 hrs consecutively, when he was suffering from fever and body ache, and due to the consumption of medicine, he was dizzy and fell asleep. Therefore, on medical grounds, he should be exonerated from the charges levelled against him.
11. This Court, however, does not find any illegality or perversity in the imposition of the minor punishment, particularly when the petitioner himself admitted the incident at the time of inspection. He was assigned armed duty, which required constant vigilance and a high degree of responsibility. Such carelessness cannot be condoned merely on the ground advanced by the petitioner. Although he produced a medical prescription issued by a local doctor dated 26.10.2020, it appears that despite his alleged illness, he continued to perform duties on 26.10.2020 and 27.10.2020, after having sufficient interval between shifts. If he was genuinely unfit to

discharge duty, it was incumbent upon him to inform the competent authority in advance. Admittedly, no such intimation was given, which is not the conduct expected from a member of the CISF.

- 12.** The duty assigned to the petitioner was of a sensitive and serious nature, involving security responsibilities that required utmost alertness and discipline. The petitioner failed to maintain the standard of vigilance expected from personnel entrusted with such duties.
- 13.** The disciplinary authority as well as the appellate authority recorded that the duty entrusted upon the petitioner was a sensitive duty post and any carelessness on his part could have posed a serious threat to the plant, its property, and human life. It was further observed that, in terms of the prevailing directions and duty charter, the petitioner was under an obligation to remain alert at all times while on duty. Although the petitioner stated that he had no intention to sleep and that the dizziness was caused by the medicines consumed by him, the authorities found that such explanation could not absolve him of the misconduct. Considering the nature of the lapse, the disciplinary authority held the petitioner guilty of gross misconduct and imposed punishment. This Court finds that the punishment imposed is

reasonable and proportionate to the misconduct proved against the petitioner.

14. In view of the above, the writ petitioner fails to prove any reasonable ground before this Court to interfere with the final orders of the disciplinary authority as well as the appellate authority. Therefore, the writ petition fails.
15. Accordingly, **WPA 13249 of 2022** stands **dismissed** without order as to costs. Connected applications, if any, are also, thus, disposed of.
16. Interim order, if any, stands vacated.
17. Parties shall act on the server copies of this Judgment duly downloaded from the official website of the High Court at Calcutta.
18. Urgent Photostat certified copies of this Judgment, if applied for, be supplied to the parties upon compliance of all the necessary and legal formalities.

(Ajay Kumar Gupta, J.)

P.A.