*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO. 6440 OF 2023

% 04.11.2026

#Between:

Gollu Maheswara Rao

…… Petitioner

$And:

Director General, CISF Hqrs & others

… Respondents

!Counsel for the Petitioner : Sri J. Sudheer

^Counsel for the Respondents : Smt. Divya Datla, learned Central Government counsel

<Gist:

>Head Note:

? Cases referred:

1. (1999) 2 SCC 10
2. (2022) 13 SCC 329
3. (2006) 5 SCC 88
4. 2026 SCC OnLine SC 813
5. (2015) 2 SCC 610
6. 1963 SCC OnLine SC 6

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

****

W.P.NO. 6440 OF 2023

Gollu Maheswara Rao

…… Petitioner

And:

Director General, CISF Hqrs & others

….Respondents

DATE OF ORDER RESERVED	**:**	**12.10.2026**
DATE OF ORDER PRONOUNCED	**:**	**04.11.2026**
DATE OF ORDER UPLOADED	**:**	**11.11.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

1. Whether Reporters of Local newspapers may be allowed to see the Order? Yes/No
2. Whether the copies of order may be marked to Law Reporters/Journals? Yes/No
3. Whether Your Lordships wish to see the fair copy of the Order? Yes/No

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JUSTICE BALAJI MEDAMALLI

Date of reserved for orders : 12.10.2026
Date of pronouncement : 04.11.2026
Date of uploading : 11.11.2026

APHC010128702023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 04th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 6440 OF 2023

Between:

1. GOLLU MAHESWARA RAO, aged about 38 years, S/ o, Gollu Krishna Murthy Naidu, Occ. CT/GD Constable, R/o. Janardhanapuram Village, Ampavalli Post, Balijipeta Mandal, Vizayanagaram District, AP.

...Petitioner

AND

1. DIRECTOR GENERAL, CISF HQRs, 13, CGO Complex, Loadhi Road, New Delhi.

2. Inspector General CISF, Port trust officers quarters, Satya Nagar, Chennai Port trust, Chennai, Tamil Nadu 600009, India.

3. DIG South zone II NISA, Hakimpet, Secunderabad District, Hyderabad, Telangana 500078.

4. Commandant CISF Unit, Visakhapatnam Steel Plant, CISF Unit VSP, Visakhapatnam, Andhra Pradesh 530031

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records pertaining to proceedings dated 15.05.2021, issued by the 4th respondent and consequential proceedings dated 15.01.2022 issued by the 3rd respondent and further proceedings dated 04.06.2021 issued by the 2nd respondent and set them aside as bad, illegal, unfair, illegal, arbitrary

totally unwarranted biased, vindictive, predetermined, violative of principles of natural justice, denial of reasonable opportunity, contrary to record, a case of no evidence, perversed, non application of mind, abuse of power and unconstitutional and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits by issuance of writ of mandamus or issue any Writ, Order or Direction in the interest of justice and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings of R2, R3 and R4 i.e,. consequential proceedings dated 21.01.2022 issued by the 3rd respondent / appellate authority and rejecting the appeal dated 04,06.2021 affirming the removal order issued by the 4th respondent and also the consequential proceedings dated 19.08.2022 issued by the 2nd respondent / revisional authority rejecting the revision petition dated 21.04.2022 and affirming the order of removal issued by 4th respondent and order of the appellate authority affirming order of removal and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave for filing counter affidavit in the above Writ Petition No. 6440/2023 and pass

Counsel for the Petitioner: J SUDHEER

Counsel for the Respondents: DIVYA DATLA (CENTRAL GOVT. COUNSEL)

The Court made the following order:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION No.6440 of 2023

ORDER:

This writ petition is filed seeking the following relief:

> *"…….to call for the records pertaining to proceedings dated 15.05.2021, issued by the 4th respondent and consequential proceedings dated 15.01.2022 issued by the 3rd respondent and further proceedings dated 04.06.2021 issued by the 2nd respondent and set them aside as bad, illegal, unfair, illegal, arbitrary totally unwarranted biased, vindictive, predetermined, violative of principles of natural justice, denial of reasonable opportunity, contrary to record, a case of no evidence, perversed, non application of mind, abuse of power and unconstitutional and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits by issuance of writ of mandamus or issue any Writ, Order or Direction in the interest of justice……..."*

2. Brief facts of the case are that:

Petitioner was appointed as a Constable in the respondent organization through direct recruitment on 18.12.2008. He served at various locations and was posted to Visakhapatnam Steel Plant (VSP) in April 2018. While things stood thus, on 02.10.2020, petitioner was placed under suspension, followed by issuance of a charge memo dated 14.10.2020, framing two charges against him, such as, collected money from unemployed youth for arranging government jobs and indulged in fraudulent acts with civil population and tarnished the image of the unit. Denying the charges framed against him, petitioner submitted his written explanation dated 23.10.2020. Thereafter, departmental enquiry was conducted, during which three complainants and

other witnesses were examined. The Enquiry Officer submitted his report dated 15.03.2021, holding the charges proved. After considering petitioner's objections and further representation, Disciplinary Authority, vide proceedings dated 15.05.2021, imposed the penalty of removal from service. Aggrieved by that, petitioner preferred an appeal and the same was rejected by the Appellate Authority on 21.01.2022. Thereafter, he preferred a revision petition and the same was rejected by the Revisional Authority on 19.08.2022. Finally, petitioner preferred a mercy petition before the 1st respondent, dated 29.09.2022, raising various factual and legal grounds. However, the said petition was also rejected vide proceedings dated 09.01.2023. Aggrieved by all the above said proceedings, the present writ petition has been filed.

3. Respondents filed counter affidavit contending that petitioner, while working as a Constable in the CISF Unit, Visakhapatnam Steel Plant, was found prima facie involved in a fake recruitment racket in which unemployed youth were allegedly cheated by promising government jobs in the Ordnance Factory, Chandrapur, Maharashtra, in return for money. Based on complaints dated 13.09.2020 and the preliminary enquiry, petitioner was issued a charge memorandum dated 14.10.2020 containing two articles of charge relating to fraudulent conduct and tarnishing the image of the Force. As such, a regular departmental enquiry was conducted in accordance with the prescribed procedure, providing the petitioner reasonable opportunities to participate in the proceedings, cross-examine prosecution witnesses and submit his defence. The Enquiry Officer considered the statements of prosecution

witnesses, court witnesses, documentary evidence and the petitioner's defence and submitted the enquiry report dated 15.03.2021, holding the charges proved. As such, petitioner’s contention regarding allegations of bias, procedural irregularities and violation of the principles of natural justice is incorrect. It is further contended that petitioner's presence at Anjana Restaurant on 13.11.2018 and his visit to Nagpur in January 2019 were established through witness statements and bank account records showing an ATM withdrawal of Rs.3,000/- at Nagpur on 07.01.2019. As such, disciplinary authority, after considering the enquiry report and the petitioner's representation, rightly imposed the penalty of removal from service vide order dated 15.05.2021 in accordance with the applicable rules, which was confirmed in appeal, revision as well as mercy petition. As such, there is no illegality or irregularity warranting interference of this Court.

4. Heard Sri J.Sudheer, learned counsel for petitioner and Smt. Divya Datla, learned Central Government Counsel appearing for respondents.

5. Learned counsel for petitioner had drawn the attention of this Court to the Memorandum of Charges dated 14.10.2020, wherein the articles of charges 1 and 2 reads as under:

> ***ARTICLE OF CHARGE-1***
>
> *CISF No. 084472085 Constable/GD Gollu Maheswara Rao of CISF Unit VSP Visakhapatnam has indulged in fraudulent act by illegally collecting money from un-employed youths for arranging Government Jobs. Thus, the act of No. 084472085 Const/GD Gollu Maheswara Rao of CISF Unit VSP Visakhapatnam amounts to fraudulent practice,*

misconduct, breach of discipline, and unbecoming of a member of the disciplined Force.

ARTICLE OF CHARGE-II

CISF No. 084472085 Constable/GD Gollu Maheswara Rao of CISF Unit VSP Visakhapatnam, by indulging in fraudulent act with civil population has tarnished the image of the unit as well as of CISF in public. The act of individual is unbecoming of a member of the disciplined Force.

The allegations against the petitioner is that petitioner along with three others have indulged in illegal collection of huge amount of money from three civilians, namely, Mula Suresh Kumar, Ganta Praveen Kumar, and T.Rajshekar. Based on the above said charge, a departmental enquiry was conducted, and the enquiry officer had submitted a report dated 15.03.2021, recording the following findings:

"Above mentioned facts clearly indicate that CISF No. 084472085, CT/GD Gollu Maheswara Rao of CISF Unit VSP Vishakhapatnam was actively involved with the fake job racket group, running a fake job racket along with CT/GD Manoj Kumar B. CT/GD M. V. Ramana and CT/GD Hari Babu with the intention to cheating the unemployed youth. However there is no evidence of him collecting money from job aspirants nor he promised for providing Government job to aspirants. His presence at Nagpur along with CT/GD Manoj Kumar B, CT/GD M. V. Ramana and CT/GD Hari Babu is ascertained from the statements of PW-01, PW-02 and PW-03 and statement of salary account with State Bank of India. Besides, he was also present at Anjana Restaurant, Sector-5, Ukkunagaram, Vishakhapatnam along with CT/GD Manoj Kumar B, CT/GD M. V. Ramana and CT/GD Hari Babu after performing C shift duty from 2100 hrs to 0500 hrs."

The enquiry officer, after conducting a detailed enquiry, concluded that Charges 1 and 2 stand proved. However, the findings recorded by the enquiry officer clearly indicate that there is no evidence to establish that petitioner had collected money from job aspirants or promised for providing government jobs to aspirants. The only aspect established from the statements of PWs.1 to 3 was the petitioner's presence at Nagpur along with B. Manoj Kumar, M.V. Ramana and Hari Babu, and his presence at Anjana Restaurant, Sector-5, Ukkunagaram, Visakhapatnam, along with the aforesaid three co-delinquents. The very charge framed against the petitioner was that he had collected money from unemployed youth on the pretext of arranging Government jobs. However, the findings recorded by the Enquiry Officer clearly indicate that there was no evidence to establish the same. None of the witnesses examined during the enquiry spoke about the petitioner collecting money from job aspirants. Further, the mobile number allegedly used in connection with the said transactions was not identified, nor was any other evidence adduced to establish that any money had been paid to the petitioner.

6. Basing on the above, learned counsel for petitioner submits that the present case is one of no evidence insofar as the charges are concerned, as the charges were not proved by any cogent evidence, much less any evidence available on record. Learned counsel for petitioner further submits that the very finding recorded by the enquiry officer is that there is no evidence regarding alleged collection of money or the false promise made by

the petitioner, as such, it is a case where findings arrived and charges are held to be proved without any evidence, as such, charges are perverse.

7. Learned counsel for the petitioner further submits that, even as per the conclusions of the Enquiry Officer, the statements recorded during the enquiry, and the statements of the Court witnesses examined on behalf of the Enquiry Officer, nothing has been stated against the petitioner regarding the alleged collection of money or making of false promises to secure Government jobs. That apart, petitioner was also not permitted to examine the other persons mentioned in the charge sheet, namely, B. Manoj Kumar, V. Ramana and Hari Babu. Further, the material relied upon by the Enquiry Officer regarding ATM withdrawal statements were not furnished to the petitioner. Learned counsel further submits that, introduction of new material and witnesses by the Enquiry Officer at the fag end of the enquiry, to fill the gaps in the evidence, without granting the petitioner reasonable time to defend his case, would amount to bias and has prejudiced the petitioner's defence. It is further submitted that petitioner's unblemished service record was also ignored by the respondents while imposing the punishment. As such, punishment imposed against petitioner has to be set aside.

8. Learned counsel for the petitioner placed on record the judgment in C.C.No.1525 of 2022 on the file of the learned Additional Judicial Magistrate of First Class, Vizianagaram, wherein the criminal case registered against Hari Babu - co-delinquent, ended in acquittal. Learned counsel further submits that, although the Enquiry Officer's report refers to the involvement of

four persons in the alleged incident, criminal case was registered only against Hari Babu, who was ultimately acquitted of the charges as the criminal court found him not guilty of the alleged offence.

9. Per contra, learned counsel for the respondents, while reiterating the contentions raised in the counter-affidavit, submits that petitioner, being a member of the armed forces, is required to maintain integrity and adhere to high standards of discipline. However, petitioner, along with three other co-delinquents, indulged in making false promises and collecting huge amounts of money from unemployed youth on the pretext of securing Government jobs, thereby cheating the general public. Learned counsel further submits that the petitioner's presence along with the other three co-delinquents at Anjana Restaurant, Ukkunagaram, Visakhapatnam, and at a hotel at Nagpur, along with the others, was established during the enquiry. Once petitioner's association with other co-delinquents, who were allegedly involved in collecting money, was established, petitioner cannot contend that there was no evidence of his involvement in the alleged misconduct. As such, disciplinary authority after considering the entire material on record, and also taking into consideration of the enquiry report wherein enquiry officer held the charges are proved, rightly passed the order dismissing the petitioner from service, as such, there is no illegality or irregularity in passing the impugned order.

10. Learned counsel for petitioner, relying on various judgments of the Hon’ble Supreme Court, contended that if the findings recorded in an enquiry

holding no material available to prove the charge against the petitioner, held the charge as proved, such findings are perverse and liable to be set aside. In such circumstances, the courts are justified in interfering with the findings recorded in the enquiry. In support of this contention, learned counsel placed reliance on the judgment of the Hon'ble Supreme Court in ***Kuldeep Singh v. Commr. of Police***[1]**,** wherein it held as follows:

> ***6.*** *It is no doubt true that the High Court under Article 226 or this Court under Article 32 would not interfere with the findings recorded at the departmental enquiry by the disciplinary authority or the enquiry officer as a matter of course. The Court cannot sit in appeal over those findings and assume the role of the appellate authority. But this does not mean that in no circumstance can the Court interfere. The power of judicial review available to the High Court as also to this Court under the Constitution takes in its stride the domestic enquiry as well and it can interfere with the conclusions reached therein if there was no evidence to support the findings or the findings recorded were such as could not have been reached by an ordinary prudent man or the findings were perverse or made at the dictates of the superior authority.*
>
> ***7.*** *In Nand Kishore Prasad v. State of Bihar [(1978) 3 SCC 366 : 1978 SCC (L&S) 458 : AIR 1978 SC 1277 : (1978) 3 SCR 708] it was held that the disciplinary proceedings before a domestic tribunal are of quasi-judicial character and, therefore, it is necessary that the Tribunal should arrive at its conclusions on the basis of some evidence, that is to say, such evidence which and that too, with some degree of definiteness, points to the guilt of the delinquent and does not leave the matter in a suspicious state as mere suspicion cannot take the place of proof even in domestic enquiries. If, therefore, there is no evidence to sustain the charges framed against the delinquent, he*

[1] (1999) 2 SCC 10

cannot be held to be guilty as in that event, the findings recorded by the enquiry officer would be perverse.

8. *The findings recorded in a domestic enquiry can be characterised as perverse if it is shown that such findings are not supported by any evidence on record or are not based on the evidence adduced by the parties or no reasonable person could have come to those findings on the basis of that evidence. This principle was laid down by this Court in State of A.P. v. Rama Rao [(1964) 2 LLJ 150 : AIR 1963 SC 1723 : (1964) 3 SCR 25] in which the question was whether the High Court under Article 226 could interfere with the findings recorded at the departmental enquiry. This decision was followed in Central Bank of India Ltd. v. Prakash Chand Jain [(1969) 2 LLJ 377 : AIR 1969 SC 983] and Bharat Iron Works v. BhagubhaiBalubhai Patel [(1976) 1 SCC 518 : 1976 SCC (L&S) 92 : 1976 Lab IC 4 : AIR 1976 SC 98 : (1976) 2 SCR 280] . In Rajinder Kumar Kindra v. Delhi Admn. [(1984) 4 SCC 635 : 1985 SCC (L&S) 131 : AIR 1984 SC 1805 : (1985) 1 SCR 866] it was laid down that where the findings of misconduct are based on no legal evidence and the conclusion is one to which no reasonable man could come, the findings can be rejected as perverse. It was also laid down that where a quasi-judicial tribunal records findings based on no legal evidence and the findings are its mere ipse dixit or based on conjectures and surmises, the enquiry suffers from the additional infirmity of non-application of mind and stands vitiated.*

9. *Normally the High Court and this Court would not interfere with the findings of fact recorded at the domestic enquiry but if the finding of "guilt" is based on no evidence, it would be a perverse finding and would be amenable to judicial scrutiny.*

10. *A broad distinction has, therefore, to be maintained between the decisions which are perverse and those which are not. If a decision is arrived at on no evidence or evidence which is thoroughly unreliable and no reasonable person would act upon it, the order would be perverse. But if there is some evidence on record which is acceptable and which could be relied upon, howsoever compendious it may be,*

the conclusions would not be treated as perverse and the findings would not be interfered with.

11. Learned counsel for petitioner also placed reliance on the judgment of the Hon'ble Apex Court in ***United Bank of India v. Biswanath Bhattacharjee***[2]**,** wherein it held as follows:

> ***21.*** *The Bank is correct, when it contends that an appellate review of the materials and findings cannot ordinarily be undertaken, in proceedings under Article 226 of the Constitution. Yet, from H.C. Goel [Union of India v. H.C. Goel, 1963 SCC OnLine SC 16 : (1964) 4 SCR 718 : AIR 1964 SC 364] onwards, this Court has consistently ruled that where the findings of the disciplinary authority are not based on evidence, or based on a consideration of irrelevant material, or ignoring relevant material, are mala fide, or where the findings are perverse or such that they could not have been rendered by any reasonable person placed in like circumstances, the remedies under Article 226 of the Constitution are available, and intervention, warranted. For any court to ascertain if any findings were beyond the record (i.e. no evidence) or based on any irrelevant or extraneous factors, or by ignoring material evidence, necessarily some amount of scrutiny is necessary. A finding of "no evidence" or perversity, cannot be rendered sans such basic scrutiny of the materials, and the findings of the disciplinary authority. However, the margin of appreciation of the court under Article 226 of the Constitution would be different; it is not the appellate in character.*

12. Placing reliance on the above, learned counsel would submit that ordinarily, the High Court and the Supreme Court do not interfere with or sit in appeal over findings recorded in an enquiry. However, where such findings are perverse, based on no evidence, or rendered at the dictates of a superior

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[2] (2022) 13 SCC 329

authority, the courts may interfere, and such findings are liable to be set aside. In the instant case, the charge against petitioner pertains to the alleged collection of money. However, no evidence was adduced to establish the said charge. In fact, the enquiry report itself records that the alleged collection of money was not proved. In the absence of any evidence substantiating the charge, the findings recorded against petitioner cannot be sustained in law. Very charge itself is not supported by any evidence, the Enquiry Officer cannot held it as proved.

13. Learned counsel for petitioner further submitted that the Enquiry Officer had gone beyond the scope of charge framed against the petitioner, which specifically pertained to the collection of money in consideration of providing employment. The enquiry report did not disclose any material or evidence to substantiate the said allegation. Nevertheless, the Enquiry Officer held the charge to be proved without there being even an iota of evidence in support thereof. Learned counsel, therefore, submitted that the findings recorded by the Enquiry Officer were unsupported by evidence and went beyond the scope of the specific charge framed against the petitioner.

14. Learned counsel for petitioner relied on the judgment of the Hon'ble Apex Court in ***M.V. Bijlani v. Union of India***[3]**,** wherein it held as follows:

> ***23.*** *Evidently, the evidences recorded by the enquiry officer and inferences drawn by him were not commensurate with the charges. If it was a case of misutilisation or misappropriation, the appellant should have been told thereabout specifically. Such a serious charge could*

[3] (2006) 5 SCC 88

not have been enquired without framing appropriate charges. The charges are otherwise vague. We have noticed hereinbefore that the High Court also proceeded on the basis that the non-maintenance of diary amounted to misutilisation of copper wire.

25. *It is true that the jurisdiction of the court in judicial review is limited. Disciplinary proceedings, however, being quasi-criminal in nature, there should be some evidence to prove the charge. Although the charges in a departmental proceeding are not required to be proved like a criminal trial i.e. beyond all reasonable doubt, we cannot lose sight of the fact that the enquiry officer performs a quasi-judicial function, who upon analysing the documents must arrive at a conclusion that there had been a preponderance of probability to prove the charges on the basis of materials on record. While doing so, he cannot take into consideration any irrelevant fact. He cannot refuse to consider the relevant facts. He cannot shift the burden of proof. He cannot reject the relevant testimony of the witnesses only on the basis of surmises and conjectures. He cannot enquire into the allegations with which the delinquent officer had not been charged with.*

26. *The report of the enquiry officer suffers from the aforementioned vices. The orders of the disciplinary authority as also the Appellate Authority which are based on the said enquiry report, thus, cannot be sustained. We have also noticed the way in which the Tribunal has dealt with the matter. Upon its findings, the High Court also commented that it had not delved deep into the contentions raised by the appellant. The Tribunal also, thus, failed to discharge its functions properly.*

28. *The appeal is, therefore, allowed. The consequence of the said order would have been to remit the matter back to the disciplinary authority. We, however, do not intend to do so as the charges relate to the year 1969-70. The appellant, due to pendency of these proceedings, has suffered a lot. He is, therefore, directed to be reinstated in service, if he has not reached the age of superannuation. However, keeping in view the fact that he has not worked for a long time, we direct that he may only be paid 50% of the back wages. He is*

> *also entitled to costs of this appeal. Counsel's fee assessed at Rs 5000.*

15. Placing reliance on the above judgment, learned counsel submitted that, although the scope of judicial review in disciplinary proceedings is limited, the findings of the Enquiry Officer must nevertheless be supported by some evidence. It was contended that, even though departmental proceedings are not required to satisfy the standard of proof beyond reasonable doubt as applicable to criminal trials, the charge must be established on the basis of a preponderance of probabilities. The Enquiry Officer, while acting in a quasi-judicial capacity, is required to arrive at a conclusion based on the evidence available on record. In the instant case, however, no material was placed on record to establish the alleged collection of money for providing employment. Despite the absence of even an iota of evidence to substantiate the specific charge framed against the petitioner, the Enquiry Officer held the charge to be proved by going beyond its scope.

16. Learned counsel for petitioner also placed reliance on the judgment of Hon'ble Apex Court in ***Dr. Nigam Prakash Narain V. National Medical Commission and Others***[4], wherein it held as follows:

> ***12.*** *Once the charge originally framed against Dr. Narain was successfully defended by him, the Ethics Committee (on being prodded by the Executive Committee) proceeded to hold Dr. Narain guilty of an act of omission, which was at variance with the charge. This was without informing him of the same and without calling for his explanation. There has, indeed, been a breach of principles of natural*

[4] 2026 SCC OnLine SC 813

> *justice. A coordinate bench of this Court in Ravi Oraon v. State of Jharkhand[20] has held that once a delinquent employee had successfully defended a charge, the disciplinary authority, in absence of a fresh show cause notice, cannot punish the delinquent employee on a completely different charge which was not framed. This would be a denial of fair and reasonable opportunity of hearing and in violation of the principles of natural justice. Thus, the Executive Committee could not have imposed the punishment without issuing a fresh show cause notice and/or without granting Dr. Narain a fair and reasonable opportunity to respond to the new/alternative charge under consideration. We quite appreciate that the Executive Committee's decision, to that extent, does suffer from a serious flaw.*

17. Placing reliance on the aforesaid judgment, learned counsel for the petitioner submitted that, once a charge is framed against a delinquent employee, the Enquiry Officer cannot record a finding of guilt on grounds that are at variance with the charge without informing the delinquent employee of the same and affording him an opportunity to offer a further explanation. In the instant case, the findings recorded by the disciplinary authority differ from the specific charge framed against the petitioner. It was, therefore, contended that the findings are beyond the scope of the charge and are liable to be set aside.

18. Learned counsel for respondents placed reliance on the judgment of the Hon'ble Apex Court in ***Union of India v. P. Gunasekaran***[5], wherein the relevant portion reads as under:

> ***19.*** *The disciplinary authority, on scanning the inquiry report and having accepted it, after discussing the available and admissible evidence on the charge, and the Central Administrative Tribunal*

[5] (2015) 2 SCC 610

having endorsed the view of the disciplinary authority, it was not at all open to the High Court to reappreciate the evidence in exercise of its jurisdiction under Articles 226/227 of the Constitution of India.

20. *Equally, it was not open to the High Court, in exercise of its jurisdiction under Articles 226/227 of the Constitution of India, to go into the proportionality of punishment so long as the punishment does not shock the conscience of the court. In the instant case, the disciplinary authority has come to the conclusion that the respondent lacked integrity. No doubt, there are no measurable standards as to what is integrity in service jurisprudence but certainly there are indicators for such assessment. Integrity according to Oxford Dictionary is "moral uprightness; honesty". It takes in its sweep, probity, innocence, trustfulness, openness, sincerity, blamelessness, immaculacy, rectitude, uprightness, virtuousness, righteousness, goodness, cleanness, decency, honour, reputation, nobility, irreproachability, purity, respectability, genuineness, moral excellence, etc. In short, it depicts sterling character with firm adherence to a code of moral values.*

24. *The Central Administrative Tribunal, in the order dated 1-2-2001 in OA No. 521 of 2000, after elaborately discussing the factual as well as the legal position, has come to the conclusion that the punishment of compulsory retirement is not outrageous or shocking to its conscience, it was not open to the High Court to interfere with the disciplinary proceedings from stage one and direct reinstatement of the respondent with back wages.*

25. *The last contention is with regard to date of effect of the punishment. According to the respondent, even assuming that compulsory retirement is to be imposed, it could be only with effect from the date of order viz. 28-2-2000. We are unable to appreciate the contention. The respondent stood dismissed from service as per order dated 10-6-1997. It was that punishment which was directed to be reconsidered. Consequent thereon only, the punishment was altered/substituted to compulsory retirement. Necessarily, it has to be from the date of dismissal from service viz. 10-6-1997.*

19. Placing reliance on the above, learned counsel for respondents submits that, where the disciplinary authority, after scrutinizing the enquiry report and considering the available and admissible evidence relating to the charges, accepts the findings recorded therein, it is not open to the High Court to re-appreciate the evidence while exercising its jurisdiction under Articles 226/227 of the Constitution of India. It was further submitted that the High Court ought not to interfere with the proportionality of the punishment unless the same shocks the conscience of the Court. It was further submitted that, in matters involving integrity, there are no measurable standards and that, unless the punishment imposed is outrageous or shocks the conscience of the Court, the High Court would not ordinarily interfere with the findings recorded by the Enquiry Officer or the disciplinary authority. Whereas, in the instant case, though there is no evidence for collection of money, it is a collective act of all the delinquents. Hence, the disciplinary authority rightly held that the charge is proved against the petitioner.

20. Learned counsel for respondents also placed reliance on the judgment of the Hon'ble Apex Court in ***State of A.P. v. Sree Rama Rao***[6], wherein the relevant portion reads as under:

> ***"11.*** *In our judgment the proceedings before the Departmental Authorities were regular and were not vitiated on account of any breach of the rules of natural justice. The conclusions of the departmental officers were fully borne out by the evidence before them and the High Court had no jurisdiction to set aside the order either on the ground that the "approach to the evidence was not consistent with*

[6] 1963 SCC OnLine SC 6

the approach in a criminal case nor on the ground that the High Court would have on that evidence come to a different conclusion. The respondent had also ample opportunity of examining his witnesses after he was informed of the charge against him. The conclusion recorded by the punishing authority was therefore not open to be canvassed, nor was the liability of the respondent to be punished by removal from service open to question before the High Court."

21. Placing reliance on the above, learned counsel submitted that if the conclusions of the departmental enquiry were fully borne out by the evidence before them, the High Court has no jurisdiction to set aside the order on the ground that the approach to the evidence was not consistent with the approach in a criminal case.

22. Learned counsel for respondents also placed reliance on the judgment of Division Bench of this Court in W.A.No.286 of 2020, wherein the Division Bench held that once there are no deviations, lapses or contraventions of the procedure contemplated under Rule 36 of CISF Rules, 2001, Court will not interfere with the findings of the enquiry officer, and accordingly, the order of learned Single Judge in allowing the writ petition was set aside.

23. Learned counsel for respondents further submits that, although the charge against the petitioner relates to collection of money, the entire activity was allegedly carried out in connivance with one another, with the individuals involved sharing the responsibility for collecting money, making the necessary arrangements, and taking steps to execute the plan. As the petitioner was part of the said group and his presence along with the other

co-delinquents was established, he cannot now contend that nothing has been proved against him with regard to the alleged collection of money.

24. Considered the submissions made on either side and perused the record. This Court is conscious of the fact that, in disciplinary proceedings, the High Court, while exercising its jurisdiction under Articles 226 or 227 of the Constitution of India, cannot re-appreciate the evidence or interfere with the conclusions reached in the enquiry, provided the enquiry has been conducted in accordance with law. The High Court cannot ordinarily examine the adequacy or reliability of the evidence, nor interfere with the proportionality of the punishment unless the same shocks the conscience of the Court. The High Court shall not, at any rate, venture into re-appreciation of the evidence. The scope of judicial review is confined to examine whether the enquiry was conducted by a competent authority and in accordance with the prescribed procedure; whether there was any violation of the principles of natural justice; whether the disciplinary authority was influenced by extraneous considerations or irrelevant factors in arriving at its conclusions; whether the findings are arbitrary or capricious; whether admissible evidence was erroneously excluded or inadmissible evidence was relied upon; and whether the findings of fact are based on no evidence. In such cases, where any such infirmity is established, this Court may interfere with the disciplinary proceedings in exercise of its constitutional jurisdiction.

25. As the Enquiry Officer's findings indicate that no material was available to establish the charge of collection of money against the petitioner, nor

regarding the alleged promise for securing jobs. Neither the disciplinary authority nor the appellate or the revisional authority appears to have properly considered this crucial aspect. The disciplinary authority, adopting a mechanical approach and merely relying on the Enquiry Officer's conclusion that the charges stood proved, proceeded to impose the major penalty of dismissal from service without duly considering the findings recorded in the enquiry report. In view of the absence of evidence to substantiate the charges alleged against the petitioner, the order passed by the disciplinary authority, as confirmed by the appellate and revisional authorities, is unsustainable and is liable to be set aside.

26. The charge framed against petitioner is specific and confined to the alleged collection of money. Significantly, the said charge was neither amended nor was any additional charge framed against petitioner alleging connivance with other delinquent employees. A perusal of enquiry report clearly demonstrates that there is no material or evidence whatsoever to establish that petitioner collected any money from the alleged victims. However, Enquiry Officer proceeded to observe that petitioner was in the company of other delinquents. Such an observation, even if the same is accepted, cannot constitute proof of the specific charge of collection of money, particularly when no charge of connivance or association with other delinquents was framed against petitioner. It is also relevant to note that neither the Department nor the alleged victims initiated any criminal proceedings against petitioner. Further, the criminal proceedings initiated

against one Hari Babu in connection with the same incident ended in acquittal. In these circumstances, the Disciplinary Authority ought to have considered that there was absolutely no evidence to establish the specific charge of collection of money against petitioner. The finding of guilt, therefore, cannot be sustained merely on the basis of petitioner's mere alleged association with the other delinquents at that relevant point of time, in the absence of any substantive evidence establishing the charge levelled against him.

27. In view of the foregoing reasons, this Writ Petition is ***allowed*** by setting aside the Order dated 15.01.2022 passed by the Disciplinary Authority, as was confirmed by the Appellate and Revisional Authority. Respondents are directed to reinstate the petitioner into service with all consequential benefits. No order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date : 04.11.2026
DVS / SAK

Whether the order is:

Speaking	☑	Reasoned	☑
Reportable	☑	Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 6440 OF 2023

Date: 04.11.2026

SAK