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APHC010235662020

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE 5th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 286 OF 2020

Between:

1. THE SENIOR COMMANDANT, Ministry of home affairs, cisf,cisf unit, sdsc shar, sriharikota, nellore district.

2. The Deputy Inspector General,, CISF Ministry of home affairs, dos h.qrs Anthariksh Bhavan, New BEL Road, Bangalore, Karnataka state.

...Petitioners

AND

1. G PRATHAPAN, S/o. n. gangadharan, Hindu,Aged 53 years, CISF Unit, Satishdhavan Space Center, SHAR, Sriharikota, Nellore District.

...Respondent

Counsel for the Petitioners: MALLAMPALLI SRINIVAS (CENTRAL GOVT COUNSEL)

Counsel for the Respondent: M K RAJ KUMAR

The Court made the following:

THE HONOURABLE SRI JUSTICE D.RAMESH

AND

THE HONOURABLE SRI JUSTICE A.HARI HARANADHA SARMA

WRIT APPEAL No.286 OF 2020

JUDGMENT: (*Per* Hon'ble Sri Justice D.Ramesh*)*

The present intra-court appeal is filed by the respondents in W.P.No.10783 of 2007 i.e., the Senior Commandant, Ministry of Home Affairs, CISF, CISF Unit, SDSC SHAR, Sriharikota, Nellore District and the Deputy Inspector General, CISF, Ministry of Home Affairs, DOS Head Quarters, Anthariksh Bhavan, New BEL Road, Bangalore, Karnataka State, aggrieved by the order dated 02.12.2019 in W.P.No.10783 of 2007 passed by the learned Single Judge.

2. Heard Sri Mallampalli Srinivas, learned Central Government Counsel appearing for the appellants and Sri M.K.Raj Kumar, learned counsel appearing for the respondent.

3. The respondent herein has filed W.P.No.10783 of 2007 declaring the action of the 1st respondent in passing the dismissal order vide proceedings dated 12.02.2007, which was confirmed by the 2nd respondent vide proceedings dated 04.05.2007, as

illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.

4. Initially, the appellants have initiated disciplinary proceedings against the respondent vide charge sheet dated 02.08.2006 with the following charge:

> *"Gross misconduct in that No.894460030 Constable G.Prathapan of CISF Unit, SDSC SHAR, Sriharikota while posted at CISF Unit, VSSC, Thumba during the month of June/July, 2004, connived with No.953210022 W/Cr. R.Prakash of CISF Unit, VSSC Thumba and one Shri K.P.Ravi, Brother-in-Law of W/Cr. R.Prakash, collected huge amount of money from the local residents of Karthikapally Taluk, Alleppy District of Kerala namely S/Shri Binu Kuttan, Praveen Kumar.P, Sanjeev.C. D.Sasidharan, Saleem.K and Gopa Kumar during the months between June, 2004 and November, 2004 for offering them job in CISF."*

5. The disciplinary authority has appointed the Assistant Commandant of CISF Unit, HCF, Hasan, Karnataka State as enquiry officer on 19.09.2006. After completion of the enquiry, the enquiry officer has submitted his report to the disciplinary authority. The disciplinary authority has issued a notice along with a copy of the enquiry report calling upon the respondent to submit his objections. After considering the explanation

submitted by the respondent, the disciplinary authority has passed final order on 12.02.2007 dismissing the respondent from service. Aggrieved by the same, the respondent preferred a statutory appeal and the same was rejected by the appellate authority vide its order dated 04.05.2007. Questioning the said order, the respondent approached this Court by filing the writ petition.

6. The said writ petition was considered by the learned Single Judge and passed the impugned order without touching the merits of the case confining only on the aspect of whether the initiation of disciplinary proceedings against the petitioner/ respondent herein was within the jurisdiction of the disciplinary authority under the provisions of Section 18 of the Central Industrial Security Force Act, 1968 (for short, 'the CISF Act, 1968'). The learned Single Judge based on the observations made in two judgments - first is the judgment passed by the Orissa High Court in ***T.Perumal v. Commandant, Central Industrial Security Force, Rourkela Steel Plant, Rourkela, Orissa*** in W.P.No.12066 of 1999 and the second is the judgment passed by the Calcutta High Court in W.P.No.15028(W) of 2002

in ***Badal Pal v. Union of India***[1]*,* allowed the said writ petition with the following observations:

> *"14. In the instant case, the charge alleged is collection of money from the local residents of Karthikapally Taluk, Alleppy District of Kerala The principles laid down in the above referred judgments demonstrate, in vivid and clear terms, that Section 18 of the Act do not authorize the respondents to initiate the disciplinary enquiry against the petitioner. In order to press into service the said provision of law and to take disciplinary action, the complainant must be a co-employee and in the instant case, the same is admittedly absent. The principles laid down in the above referred judgments are squarely applicable to the case on hand. This Court does not find any valid reasons to take a divergent view already expressed in the above referred judgments having regard to the facts and circumstances of the case.*
>
> *15. Accordingly, the Writ Petition is allowed and the order of dismissal passed by the 1st respondent, vide proceedings No.V-15014/SHAR/ADM.III/DISC/MA3-05/06-392, dated 12.02.2007, confirmed by the 2nd respondent, vide proceedings No.V-15015.CISF/DOS/GP/07/2107, dated 04.05.2007, is hereby set aside, and consequently, the respondents are directed to reinstate the petitioner into service with all consequential benefits, including back wages, seniority and promotions. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs."*

[1] 2003 SCC Online Cal. 89

7. The learned counsel appearing on behalf of the appellants submitted that the learned Single Judge has failed to consider the averments made in the counter to the effect that the disciplinary authority has initiated proceedings under the provisions of sub-rule (1) of Rule 32 of the Central Industrial Security Force Rules, 2001 (for short, 'the CISF Rules, 2001'). The authorities have followed the procedure contemplated under the CISF Act, 1968 and the CISF Rules, 2001 strictly. The charge is grave in nature. The statement of article of charge is that gross misconduct of the petitioner/respondent herein, who was working as a Constable of CISF Unit, SDSC SHAR, Sriharikota while posted at CISF Unit, VSSC, Thumba during the month of June/July, 2004, connived with one R.Prakash of CISF Unit, VSSC Thumba and one Shri K.P.Ravi, brother-in-law of R.Prakash, collected huge amount of money from the local residents of Karthikapally Taluk, Alleppy District of Kerala namely Shri Binu Kuttan, Praveen Kumar.P, Sanjeev.C. D.Sasidharan, Saleem.K and Gopa Kumar during the months between June, 2004 and November, 2004 for offering them jobs in CISF. The said charge is not only grave in nature, but also definitely attracts moral turpitude of the employee. In fact, the appellants have taken a specific stand that the article of

charge was issued under the CISF Rules, 2001, more specifically under Rule 36(1) and (2) thereof. The said Rule reads as follows:

> *"**36. Procedure for imposing major penalties**: –*
>
> *(1) Without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850 (37 of 1850), no order imposing on an enrolled member of the Force any of the penalties as specified in clauses (i) to (v) of rule 34 shall be made except after an inquiry held, as far as may be, in the manner hereinafter provided.*
>
> *(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an enrolled member of the Force, it may itself inquire into, or appoint an authority to inquire into the truth thereof.*
>
> *Explanation .- Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to (18) of this rule shall be construed as a reference to the disciplinary authority."*

8. But, surprisingly, the learned Single Judge only considering the judgments passed by the Orissa High Court as well as the Calcutta High Court allowed the writ petition and set aside the punishment orders without going into the merits of the case, which is not only contrary to the record but also contrary to the Rules. The judgments which were relied on by the learned Single Judge are totally not applicable to the present case, wherein the

facts in ***T.Perumal***'s case are that one Mr. Jesai Naik has filed a complaint before the authorities saying that T.Perumal i.e., the petitioner in W.P.No.12066 of 1999 had eloped with his wife and she was kept in a hotel and basing on the said complaint, the respondent assumed the jurisdiction and removed the petitioner. Considering those facts, the Court held that as per Section 18 of the CISF Act, 1968 the parameters of misconduct in the said case would not attract. Accordingly, the Court held that initiation of proceedings in those circumstances was contrary to Section 18 of the CISF Act, 1968. Even the facts in ***Badal Pal***'s case (supra 1) decided by the Calcutta High Court were also different where there was abduction with an intention of sexual intercourse with the wife of another member of the force. But the facts in the present case are totally different. Here the petitioner/respondent herein was involved in a case of extracting huge amounts from persons for providing jobs in CISF. Such conduct attracts the ingredients of misconduct or moral turpitude contemplated under Section 18 of the CISF Act, 1968. It was further brought to the notice of the Court by the learned counsel for the appellants that in respect of the very same charge and incident, disciplinary proceedings were also initiated against Sri R.Prakash. He

approached the Kerala High Court challenging the order of dismissal. The Kerala High Court dismissed the writ petition. Aggrieved by the same, he preferred an appeal. The Division Bench of the Kerala High Court in Writ Appeal No.79 of 2016 also considered the factual aspects and found that there was no illegality or contravention of the procedure contemplated under the Rules and accordingly, the Division Bench dismissed the said appeal by confirming the punishment imposed on the co-accused.

9. Considering the submissions and on perusal of the record, even in the instant case, there are no deviations, lapses or contraventions of the procedure contemplated under Rule 36 of the CISF Rules, 2001. Further, on perusal of the charge, this Court is of the firm opinion that the allegations are not only grave but also clearly fall within the parameters of Section 18 of the CISF Act, 1968, as the petitioner/respondent herein was involved in collecting huge amounts by promising to provide employment in the CISF.

10. With the above observations, this Court is of the considered opinion that the learned Single Judge failed to consider the factual aspect that the respondent was involved in a

crime falling within the parameters of Section 18 of the CISF Act and there was no contravention of the procedure contemplated under Rule 36 of the CISF Rules, 2001. Hence, the order passed by the learned Single Judge is contrary to the record.

11. Therefore, the impugned order dated 02.12.2019 in W.P.No.10783 of 2007 passed by the learned Single Judge is set aside by confirming the orders passed by the disciplinary authority dated 12.02.2007 and the appellate authority dated 04.05.2007.

12. Accordingly, the Writ Appeal is allowed. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE D.RAMESH

JUSTICE A.HARI HARANADHA SARMA

Date: 05.10.2026
Ivd

Whether the order is:

Speaking	No	Reasoned	Yes
Reportable	No	Non-reportable	Yes

THE HONOURABLE SRI JUSTICE D.RAMESH
AND
THE HONOURABLE SRI JUSTICE A.HARI HARANADHA SARMA

WRIT APPEAL No.286 OF 2020

Dated: 05.10.2026

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