



WEB COPY

WP No. 4789 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 4789 of 2026
and
WMP.Nos. 5322 & 5323 of 2026**

Trilokee Nath Tiwari

..Petitioner(s)

Vs

1. The Director General,
CISF Head Quarters,
No.13, CGO Complex,
Lodhi Road, New Delhi 110 003.
2. The Inspector General,
CISF, Head quarters,
South Sector, Chennai Port Trust Campus,
Near War Memorial, Chennai – 600 009.
3. The Senior Commandant,
CISF Unit, NLC Neyveli,
No.G-14, J.N.Salai Block No. 16,
NLC Township Neyveli,
District: Cuddalore,
State- Tamil Nadu 607 801



4. The Enquiry Officer,
Shri Prahlad Singh Devenda Inspector/
Exe CISF,
Unit NLC Neyveli,
No. G-14, J.N.Salai, Block No. 16,
NLC Township Neyveli,
District: Cuddalore,
State- Tamil Nadu 607 801.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, calling for records of the respondents culminating in the order Ref. No. CISF/ NLC/ A- SECTOR/ DE/ TNT/ 26-19 dated 07.01.2026 quash the same and consequently direct the respondents to permit the petitioner to avail the defence assistant from any outstation CISF unit Personnel for conduct of Departmental proceedings initiated against the petitioner pursuant to the Charge Memorandum ref .No. V-15014/ CISF/ NLC/ Disc/ Maj (15) / TNT / 2025- 5017 dated 20.12.2025.

For Petitioner(s): Mr.B.Hari Krishnan

For Respondent(s): Mr.K.V.Muthu Visakan
Senior Panel Counsel



ORDER

This Writ Petition has been filed challenging the order dated 07.01.2026 and consequently, for a direction to the respondents to permit the petitioner to avail the defence assistant from any outstation CISF unit Personnel for conduct of Departmental proceedings initiated against the petitioner pursuant to the Charge Memorandum dated 20.12.2025.

2. With the consent of the learned counsel appearing on either side, this Writ Petition is taken up for final hearing.

3. The learned counsel appearing for the petitioner would submit that the petitioner is working as Head Constable at CISF Unit, Neyveli and while he was in service, he was issued with charge memo consisting of four charges. He would submit that when facing charges before the Enquiry Officer, he is entitled to have Defence Assistant from the member of CISF. However, in the NLC Unit, no one has come forward to give assistance as defence counsel on behalf of the petitioner however, one Jonaki Dass, CISF, BSCC has agreed to appear as a Defence counsel on behalf of the petitioner before the Enquiry Officer and with her consent, the petitioner made a representation on 06.01.2026 and the same was rejected. Challenging the same, the present writ petition is filed.



4. The learned counsel for the petitioner would submit that as per Rule 36(8)(a) of the CISF Rules, the enrolled member of the Force so charged may be permitted to take assistance of any other member of the Force posted at the place of inquiry and he will have three charges for the defence assistance and the controlling officer will depute anyone of the three indicated by him however, contrary to the above said rule, the present impugned order is passed. He would further submit that the Enquiry Officer insist the petitioner to take a defence counsel in the NLC Unit, which is not acceptable. He would also submit that since no one is come forward to act as a defence counsel in the Neyveli Unit thereby, the petitioner take defense assistance from the other Unit which is clearly in terms of 36(8)(a) of the CISF Rules. Accordingly, he prayed for appropriate orders.

5. Per contra, the learned counsel for the respondent would submit that since the petitioner not took a defence assistant from the NLC Unit, thereby, the present impugned order is passed in terms of Rule 36(8)(a) of the CISF Rules, which need not be interfered with. Accordingly, he prayed for dismissal of this writ petition.

6. Heard, the learned counsel appearing for the petitioner and the Senior Panel Counsel appearing for the respondents.



7. The facts and circumstance of the present case is that as against the petitioner, the disciplinary authority initiated proceedings as against the petitioner, in which, the petitioner is entitled to take defence assistance for his choice and the relevant rule is extracted hereunder:

“36(8)(a) The enrolled member of the Force so charged may be permitted by the inquiring authority to present his case with the assistance of any other member of the Force posted at the place of inquiry. He will give three choices for his defence assistance and the controlling officer will depute anyone of the three indicated by him.”

8. A perusal of the rule make it clear that a enrolled member of the Force so charged may be permitted by the inquiring authority to present his case with the assistance of any other member of the Force posted at the place of inquiry and he will give three choices for his defence assistance and the controlling officer will depute anyone of the three indicated by him.

9. In the present case, the petitioner unable to take a defence assistant from the NLC Unit thereby, took assistance from the other unit which is in terms of Rule 36(8)(a) and hence, the rejection order passed by the respondent is not acceptable one.



10. In view of the above discussion, this Writ Petition is allowed and the impugned order is set aside. The 4th respondent is directed to allow the petitioner to take Defence Assistant of his choice within a period of two weeks from the date of receipt of a copy of this order and proceed with the enquiry in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKN



To

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