



W.P.No.24969 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.24969 of 2018

Monika, Ex-L/CT/GD
No.120801352
D/o.Sh.Bijender Singh
Sanwar Village Post Office
Bound Kalan Police Station
Tehsil-Ch.Dadri
Bhiwani District
Haryana- 127 042.

...Petitioner

Vs.

1.The Union of India
Ministry of Home Affairs
Rep.by Secretary to Government
New Delhi.

2.The Director General
Central Industrial Security Force
CGO Complex
Lodhi Road
New Delhi 110 003.

3.The Inspector General
Central Industrial Security Force
South Sector Hqrs, Chennai
Near War Memorial
Chennai 600 009.

4.The Deputy Inspector General
Central Industrial Security Force
DOS Hqrs, Bangalore 560 094.



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5.The Senior Commandant
Central Industrial Security Force Unit,
VSSC, Thumba, Kerala.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari-fied Mandamus, to call for the records relating to the order passed by the third respondent dated 04.05.2018 in his order No.V-15016/CISF/SS/L&R/Rev/Monika/13/2018-3716 confirming the order passed by the 4th respondent dated 19.12.2017 in his order No.V-11014/DOS/L&R/App/Monika/SAC(A)/2017/1495 and quash the same and to direct the respondents to take the petitioner into the strength of CISF as Constable and to pay all benefits.

For Petitioner : Mr.K.Sivakumar
For Respondents : Mr.V.Ashok Kumar
Central Government
Senior Panel Counsel

ORDER

The challenge in this Writ Petition is to the order passed by the fifth respondent, by which the petitioner was dismissed from service on account of misconduct. The petitioner also challenges the orders passed by the third and fourth respondents, whereby, in exercise of their appellate and revisional powers, the order of punishment passed by the fifth respondent has been confirmed.

2. The petitioner, while serving as a Constable in CISF, was issued a charge memo. The charge memo contained two charges as per the statement of
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imputations. The allegation is that, while the petitioner was deployed at Wicket Gate X-BIS in the 'G' shift and CISF No.120718140 CT/GD Dilip Kumar was deployed at Wicket Gate TS, at approximately 9.49 a.m., the petitioner slapped Dilip Kumar. Being a member of a disciplined force, the action of the petitioner was found to be an act of indiscipline. The further allegation is that, on the very same date and time, the petitioner slapped Dilip Kumar three times at different places. The petitioner was issued a notice to show cause as to why a departmental enquiry should not be conducted.

3. The petitioner submitted an explanation denying the charges and further stated that disciplinary proceedings had been initiated against the said Dilip Kumar. The petitioner had filed a complaint against Dilip Kumar for passing abusive comments. The explanation submitted by the petitioner was not found satisfactory, and an Enquiry Officer was appointed. The Enquiry Officer, after recording the statements of the prosecution witnesses as well as that of the petitioner, recorded a finding that the charges against the petitioner were proved.

4. The petitioner submitted a further explanation to the second show cause notice. The Disciplinary Authority, i.e., the fifth respondent, after



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considering the charges, the enquiry report, and the further explanation submitted by the petitioner, passed the impugned order dismissing the petitioner from service. The same was affirmed by the Appellate as well as the Revisional Authority.

5. Mr.K.Sivakumar, learned counsel for the petitioner, submitted that, except for the self-serving statement of the complainant (PW2), there is no substantial evidence to substantiate the allegations against the petitioner, and in the absence of the same, the findings recorded by the Enquiry Officer are perverse and arbitrary. He further submitted that the complaint was filed by PW2 only with an intention to harass the petitioner, who had earlier filed a complaint against the said Dilip Kumar. He also submitted that the petitioner, a woman aged about 36 years as of today, has no means of livelihood, and therefore, the impugned order of dismissal is not proportionate and is disproportionate to the charges framed against her.

6. In response, Mr.V.Ashok Kumar, learned Senior Panel Counsel for the respondent, submitted that the complainant (PW2) and other eyewitnesses, namely PW4, PW5, and PW6, have categorically stated that the petitioner was seen slapping PW2. He further submitted that the explanation offered by the



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petitioner was not found satisfactory. Since the complaint filed by the petitioner against Dilip Kumar alleging misbehaviour was found to be false, and on the contrary, an order of punishment of “withholding of one increment for a period of one year without cumulative effect” was passed against the petitioner, the same has attained finality.

7. He further submitted that the petitioner, being a member of a disciplined force, ought to have conducted herself with restraint. The charges are grave and constitute serious misconduct. Therefore, the order of punishment of dismissal is proportionate to the gravity of the misconduct, and this Court may not show any leniency. He further submitted that the findings recorded by the Enquiry Officer were based on evidence, and in the absence of any arbitrariness or perversity in the findings, the impugned order of dismissal cannot be interfered with.

8. In support of his contentions, reliance was placed on the decision of the Hon'ble Apex Court in (1) *Union of India and Ors. vs. Constable Sunil Kumar, Civil Appeal No. 219 of 2023 (@ SLP (C) No. 7645 of 2018)*, and (2) *Charanjit Lamba vs. Commanding Officer, Army Southern Command and Others, reported in (2010) 11 SCC 314*.



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9. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered.

10. Before the Enquiry Officer, all seven witnesses were examined. The complainant was examined as PW2, and he categorically stated that the incident had taken place. Nothing was elicited in his cross-examination to disbelieve the allegation of assault. Similarly, PW4, PW5, and PW6, who are alleged eyewitnesses to the incident, have also stated that they saw the petitioner slapping the complainant, and nothing was elicited in their cross-examination to discredit their statements.

11. The prosecution has relied not only on the oral testimony of the witnesses but also on CCTV footage, in which it was captured that the petitioner had slapped the complainant. The said CCTV footage was not disputed by the petitioner. On the contrary, the petitioner set up a defence that the incident occurred because the complainant had abused her. However, the said allegation of misbehaviour was found to be false by the Committee constituted to enquire into the allegation, and, on the contrary, an order of punishment of “withholding of one increment for a period of one year without cumulative effect” was passed against the petitioner, which has attained finality.



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12. It is settled law that the findings of the Enquiry Officer cannot be interfered with unless they are based on no evidence or suffer from arbitrariness or perversity. In the present case, the findings recorded by the Enquiry Officer are based on evidence and records; therefore, the same cannot be interfered with.

13. The petitioner claims to have joined CISF in the year 2012, and the incident took place in the year 2017. As on that date, the petitioner was aged about 26 years.

14. The learned counsel for the petitioner submitted that the petitioner has no other source of livelihood and that, except for the present incident, there is no prior record of misconduct.

15. In the said circumstances, this Court is of the considered view that the order of punishment of dismissal from service is shockingly disproportionate to the gravity of the charges levelled and proved against the petitioner. Though the misconduct is established and the petitioner, being a member of a disciplined force, is expected to maintain discipline, the incident appears to be an isolated one. There is no material to show any prior misconduct on the part of the petitioner.



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16. The incident appears to have occurred in the spur of the moment, when the complainant allegedly interfered with the discharge of the petitioner's official duties. The materials on record indicate that the altercation was sudden and arose out of the immediate situation at the workplace, rather than being a premeditated or deliberate act on the part of the petitioner. Such momentary loss of temper, in the absence of any prior misconduct, cannot be equated with grave or habitual indiscipline warranting the extreme penalty of dismissal.

17. The punishment of dismissal, which deprives the petitioner of her livelihood and future service benefits, is an extreme penalty and ought to be imposed only in cases of very grave misconduct. Having regard to the overall facts and circumstances of the case, this Court finds that the penalty imposed is excessive and disproportionate, warranting interference on the ground of proportionality

18. The Apex Court, in *Union of India and Ors. vs. Constable Sunil Kumar* (cited supra), held that the charges and misconduct proved against the respondent therein, who was serving in CRPF, a disciplined force, constituted grave and serious misconduct. The misconduct committed by the respondent in that case involved insubordination and misbehaviour with superior/senior officers, which was held to be very serious misconduct that cannot be tolerated

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in a disciplined force like CRPF. Therefore, the Division Bench of the High

Court was not justified in observing that the penalty of dismissal was disproportionate. In the cited decision, the allegation was that the delinquent had misbehaved with his superiors after consuming country liquor.

19. The Apex Court further held that even if the punishment is found to be disproportionate to the misconduct committed and proved, the matter is to be remitted to the Disciplinary Authority for imposing appropriate punishment/penalty, which is the prerogative of the Disciplinary Authority.

20. In the light of the aforesaid discussion, I am of the considered view that, instead of remitting the matter to the Disciplinary Authority, it would be appropriate to remit the matter to the Revisional Authority for imposing appropriate punishment, taking into account that there is no history of misconduct against the petitioner except the present incident, and that the petitioner is a woman aged about 36 years as of today, with no other source of livelihood.

21. Accordingly, the Writ Petition is allowed in part. The impugned order dated 04.05.2018 bearing No. V-15016/CISF/SS/L&R/Rev/Monika/13/2018-9/12



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3716 passed by the third respondent, insofar as it relates to dismissing the petitioner from service, is set aside. However, the order of the third respondent holding that the charges against the petitioner stand proved is confirmed. The third respondent is hereby directed to impose appropriate punishment. The matter is remitted to the third respondent instead of the fifth respondent so as to put a quietus to the litigation. The third respondent shall pass orders imposing appropriate punishment within a period of three months from the date of receipt of a copy of this order, after issuing notice to the petitioner. There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
dna



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Ministry of Home Affairs
Rep.by Secretary to Government
New Delhi.

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Central Industrial Security Force
CGO Complex
Lodhi Road
New Delhi 110 003.

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HEMANT CHANDANGOUDAR.J.,

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