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W.P.No.20803 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 03.02.2026

Pronounced on : 06.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.20803 of 2021
and
WMP.Nos.22072 & 22075 of 2021

Peethala Ramu

... Petitioner

vs

1. The Director General / Central Industrial Security Force
CISF Head Quarters, CGO Complex,
Lodhi Road New Delhi – 110003.

2.The Inspector General / CISF
Airport Sector II
Bangalore, Karnataka – 560300.

3.The Deputy Inspector General / CISF
APSZ HQrs, Rajaji Bhavan, Besant Nagar,
Chennai, Tamil Nadu – 600 090.

4.The Commandant CISF Unit ASG
Chennai, Tamil Nadu – 600 001.

5.Union of India
Represented by the Secretary to Government Of India
Ministry of Home Affairs
New Delhi -110003.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in Order dated 10.08.2020 bearing No.V-11014/APS-II/L&R/(Rev.09/200/PR/2020/3223 passed by the 2nd respondent and quash the same as arbitrary, illegal and unlawful and to consequentially direct the 1st respondent to provide all consequential benefits to the petitioner including restoration of pay.

For Petitioner : Mr.Suhrith Parthasarathy
For Respondents : Dr.P.G.Santhosh Kumar, SSC.

ORDER

Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents and perused the record.

2. The petitioner by the present writ petition has assailed the action of the 4th respondent in passing the order dated 31.07.2019 by which he was awarded punishment in the form of penalty of *“reduction of pay by three stages from Rs.29,300/- to Rs.26,800/- in pay level-3 for a period of three years with immediate effect. It is further directed that during the period of reduction, he will not earn increments and on expiry of this period, the reduction will have the effect of postponing his future increments of pay”* and the action of the 3rd respondent in confirming the said order in appeal vide order dated 27.11.2019 and the further action of the 2nd respondent in rejecting the revision filed by the petitioner against



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the order of the 3rd respondent confirming the order of the 4th respondent vide order dated 02.01.2020.

3. Briefly put, the case of the petitioner is that on 04.02.2019 though, there was some altercation between the petitioner and one Mr.Dhananjay Kumar Upadhyay, his higher up working as SI/EXE with regard to petitioner not wearing cap properly and swinging the beret cap on hand by him, the said issue was resolved on the same day, when he was counselled by the higher authorities and on petitioner tendering apology. Petitioner further contended that though the alleged altercation had taken place between him and the SI/EXE on 05.02.2019, outside the work place, the respondents in order to wreck vengeance against the petitioner, have initiated disciplinary action by issuing charge memo containing two Articles of charges claiming as if it is continuation to the incident that had taken place on the previous night while on duty; and that without considering the evidence let in during the enquiry proceeding had found him guilty and awarded him penalty.

4. It is further contended that the appeal filed by the petitioner against the order of the disciplinary authority before the appellate authority was not



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considered in correct perspective, and the appellate authority merely relied on the findings recorded in the final order passed by the 4th respondent and confirmed the order awarding penalty on him.

5. The petitioner further contended that the 2nd respondent before whom revision is filed, also failed to consider that the articles of charges levelled against the petitioner particularly Article of Charge-1 having been closed on 04.02.2019 itself, the 4th respondent could not have initiated disciplinary action thereagainst while in respect of Articles of Charge-2, the same being not proved, the petitioner could not have visited with penalty and erred in dismissing the revision.

6. On behalf of the petitioner it is contended that the punishment was awarded to him by disregarding the defence witness statement, whereby the said witness had stated of he having seen the petitioner and another person arguing angrily in loud voice, but not manhandling anyone, which itself goes to show that a false case of manhandling has been foisted against him; and also that the prosecution witness who is stated to have witnessed the petitioner beating the SI in uniform on 05.02.2019, in his cross examination having denied to state the name



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and address of the person, only goes to show that the entire proceedings by which penalty is awarded to him is based on hearsay evidence and thus cannot be sustained.

7. The petitioner further contended that the appellate authority and revisional authority failed to consider the aforesaid aspect despite being specifically raised by the petitioner and therefore, the orders of the 3rd and 2nd respondents affirming the order of the 4th respondent / disciplinary authority are vitiated and liable to be quashed.

8. It is further contended that no punishment can be awarded on the basis of the alleged incident for which articles of charges has been issued and also that the punishment awarded is disproportionate to the gravity of the incident complained. Thus, it is prayed for setting aside the orders impugned in the writ petition.

9. Counter affidavit has been filed on behalf of the respondents.

10. The learned counsel appearing on behalf of the respondents submit



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that two incidents which had occurred on 04.02.2019 and 05.02.2019 cannot be looked in isolation or separately; that the incident which had taken place on 05.02.2019 is grave in nature; that it is fall out of altercation that had taken place between the petitioner and SI on 04.02.2019, as such the petitioner cannot claim of the incident which had taken place on 04.02.2019 having been closed on the same day itself after the petitioner being counselled and he tendering apology.

11. On behalf of the respondents, it is further contended that on the morning of 05.02.2019, when the SI with whom the petitioner had altercation on 04.02.2019, after completing his duty and debriefing was on his way to his house, while passing in front of the petitioner's house in Kannan Colony, the petitioner had picked up a fight with him and hit with stick causing minor injury and thus, the petitioner manhandled his superior, keeping in mind the incident that had taken place on previous night while on duty; that the same was immediately informed to DIG, Commandant, DC, AC and shift GO incharge; that the message by the incident was informed to higher up was entered in the message register at 7.36 hrs; and thus the petitioner cannot claim of no such incident being taken place or that the said incident having taken place outside the work place, the respondents cannot



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initiate disciplinary action.

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12. It is also contended that the defence witnesses whose statement is sought to be relied by the petitioner, is the owner of the house, wherein the petitioner is a tenant and it is for the said reason, the witness had stated that he having not seen any manhandling, but however, had stated that he saw both the petitioner and the SI who is in uniform arguing in loud voice and angrily which itself goes to show the behaviour of the petitioner, unbecoming of an disciplined force personnel.

13. On behalf of the respondents, it is further contended that the fact that the petitioner manhandling the SI and the said incident being recorded by making an entry at 7.36hrs, in the message register, goes to show that the petitioner having kept in mind the incident which had occurred on 04.02.2019 in the night hours while on duty, and in order to take revenge, the petitioner had picked up a quarrel with the concerned SI on the next day morning while passing in front of the petitioner's house and also manhandled with stick causing minor injury on his finger.



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14. The respondents also contended that the fact of the petitioner not seeking to cross examine PW5, who had recorded the message in the message register and also sent the message to all the concerned including the DIG, Commandant only goes to show that the petitioner having committed the said offence of misbehavior.

15. It is further contended on behalf of the respondent that having regard to the indisciplinary act of misbehaviour committed by the petitioner, as stood proved in the disciplinary proceedings, the petitioner has been awarded by taking lenient view having regard to the service put in and also considering the future career of the petitioner.

16. On behalf of the respondent it is further contended that the revisional authority while rejecting the revision preferred by the petitioner, had observed that the disciplinary authority has taken a lenient view while awarding penalty, however chose not to interfere with the penalty awarded, considering the young age and future service of the petitioner. Submitting as above, on behalf of the respondents, it is contended that the impugned order does not call for any



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interference or the penalty awarded to the petitioner cannot be said as disproportionate to the proved Article of charges.

17. I have taken note of the respective contentions urged.

18. Before proceeding to consider the rival contentions urged and taking note of the fact that the petitioner being a member of uniformed service, it would be appropriate to place on record the process and purpose for which the force was established and what is expected from such force.

19. By Central Enactment i.e, Act 50, 1968, Central Industrial Security Force Act 1968 (hereinafter referred to as “Act 1968”) has been enacted whereby as Central Armed Police Force (in short CAPF) an armed force of the union called as Central Industrial Security Force was constituted and maintained by the Central Government for better protection and security of the industrial undertakings owned by the Government, joint venture or private industrial undertaking and to perform such other duties as may be entrusted to it by the Central Government. (See - Section 3 of the Act, 1968)

20. Over a period of time, the force has been deployed to provide



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security to the public service, including large institutions, various installations, Government Buildings, heritage monuments, nuclear power plants, space stations, among other highly sensitive installations at different places.

21. Section 10 of the Act 1968 provides for duties of members of the force and sub clause (a) of Section 10 specifically states that every member of the force shall “promptly to obey and execute all orders lawfully issued to him by his superior authority”.

22. Section 8 of the Act, 1968 deals with dismissal, removal etc of members of the force.

23. Rule 31 of Chapter X of CISF Rules, 2001 (for short Rules, 2001) deals with Rules Governing discipline. Rule 34 of Rules 2001 deals with penalties that can be imposed on a member of the force. Rules 36 and 37 of Rules, 2001 deals with procedure for imposing Major and Minor penalties.

24. In the above back drop of formation of the respondent force and the duties of members as detailed in Section 10 of the Act, the mute question that falls



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for consideration is whether in respect of punishment awarded by the Disciplinary Authority as affirmed by the Appellate Authority and confirmed in Review, can the High Court in a writ petition filed under Article 226 of the Constitution of India re-appreciate or reevaluate the evidence thereby acting as an appellate authority. The answer to the aforesaid question can be found in the judgment of the Apex Court in the case of ***Union of India V. Subrata Nath (2022 SCC Online SC 1617)***, wherein the Hon'ble Apex Court held as under :-

“21. To sum up the legal position, being fact finding authorities, both the Disciplinary Authority and the Appellate Authority are vested with the exclusive power to examine the evidence forming part of the inquiry report. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has the discretion to impose appropriate punishment on the delinquent employee keeping in mind the gravity of the misconduct. However, in exercise of powers of judicial review, the High Court or for that matter, the Tribunal cannot ordinarily reappreciate the evidence to arrive at its own conclusion in respect of the penalty imposed unless and until the punishment imposed is so disproportionate to the offence that it would shock the conscience of



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the High Court/Tribunal or is found to be flawed for other reasons, as enumerated in P. Gunasekaran (supra). If the punishment imposed on the delinquent employee is such that shocks the conscience of the High Court or the Tribunal, then the Disciplinary/Appellate Authority may be called upon to re-consider the penalty imposed. Only in exceptional circumstances, which need to be mentioned, should the High Court/Tribunal decide to impose appropriate punishment by itself, on offering cogent reasons therefor”

25. From the aforesaid decisions of the Apex Court, it is evident that the High Court under Article 226 of the Constitution of India does not act as an Appellate Authority by examining the evidence, as to whether on the basis of the evidence, the delinquent could have been visited with the punishment as awarded by the disciplinary authority or the punishment awarded is disproportionate to the articles of charge.

26. The scope of review by the High Court is limited and is only in relation to examining the decision making process, but, not to re-appreciate the evidence and substitute its own finding with that of the conclusion arrived at by the



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disciplinary authority, while awarding the punishment, as upheld by the appellate authority. Further, the writ Court in exercise of Article 226 of the Constitution of India cannot undertake the exercise of modifying the penalty awarded particularly when it is in relation to uniformed services, by undertaking upon itself reappreciation / reevaluation of facts or evidence. (See – (i)***B.C.Chaturvedi V. Union of India – (1995) 6 SCC 749.*** (ii)***State of Andhra Pradesh V. Chitra Venkata Roa – (1975) 2 SCC 557.***

27. Thus, in a writ petition under Article 226 of the Constitution of India this Court cannot act as an appellate Court by examining the evidence in minute detail.

28. Though, on behalf of the petitioner it was sought to be contended that the defence witness having stated of no manhandling taken place and he having seen only the petitioner and the SI arguing angrily and loudly, the said witness cannot be considered as an independent witness, being the owner of the house wherein the petitioner is staying as a tenant, it can safely be assumed that the said witness was trying to protect the petitioner from being visited with any major



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punishment. Thus, the said witness would have to be treated as interested witness.

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29. Further, the petitioner did not choose to cross examine PW5, who at 7.36 hrs on 05.02.2019 had made an entry in the message register and also informed to the higher authorities of the incident, would lend credence to the case of the respondents of occurrence of the incident on the said day and the petitioner being involved.

30. Though it was sought to be contended that PW3 who is stated to have enquired into the incident of the attack on the SI, from the people living in the Kannan Colony, while most of the civilian people stated of not being aware of any incident taking place, one person who is resident of Kannan Colony stated to have seen a person in CISF uniform being beaten by a person on the road in the Kannan Colony and located the spot of attack which is nearer to the rented house of the petitioner, however, having denied to disclose his name and address, would infact show that no person had deposed against the petitioner, and the said person claimed to have seen the incident of manhandling taking place, is only a make believe and cannot form basis for awarding penalty, firstly, it is to be noted that in



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disciplinary proceedings, what is to be seen is preponderance of probability, but not the strict rules of evidence. The Hon'ble Apex Court in the case of ***Union of India v. Sardar Bahadur*** reported in (1972) 4 SCC 618 dealing with the disciplinary proceedings and standard of proof had held as under : -

15. A disciplinary proceeding is not a criminal trial. The standard proof required is that of preponderance of probability and not proof beyond reasonable doubt. If the inference that Nand Kumar was a person likely to have official dealings with the respondent was one which a reasonable person would draw from the proved facts of the case, the High Court cannot sit as a court of appeal over a decision based on it. Where there are some relevant materials which the authority has accepted and which materials may reasonably support the conclusion that the officer is guilty, it is not the function of the High Court exercising its jurisdiction under Article 226 to review the materials and to arrive at an independent finding on the materials. If the enquiry has been properly held the question of adequacy or reliability of the evidence cannot be canvassed before the High Court.....”



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31. The aforesaid principle of law, was reiterated again in a recent decision of the Hon'ble Apex Court in the case of *Airports Authority of India v. Pradip Kumar Banerjee* reported in *2025 SCC Online SC 1020*.

32. Secondly, the fact of SI being manhandled by petitioner, being recorded in message register at 7.36hrs itself and also being communicated to higher authorities belies the claim of petitioner.

33. Further, the person who is stated to have seen the incident taking place, though not giving his name and address only goes to show that no civilian would like to involve himself in such unruly incident, particularly involving members of uniformed force, who otherwise are expected to maintain discipline.

34. As noted herein above this Court in a writ petition cannot go into minute details of the evidence recorded in disciplinary proceedings to see whether the punishment / penalty awarded by the Disciplinary authority as confirmed in appeal and revision is justified in the circumstances, as such course of action is



clearly not permitted since, the same would amount to this Court to reappreciating the evidence as an appellate authority.

35. The Apex Court in the case of ***Union of India v. P. Gunasekaran*** reported in ***(2015) 2 SCC 610*** observed as under :

“?12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*



(e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;

(f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;

(g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;

(h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;

(i) the finding of fact is based on no evidence.

13. Under Articles 226/227 of the Constitution of India, the High Court shall not :

(i) reappreciate the evidence;

(ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;

(iii) go into the adequacy of the evidence;

(iv) go into the reliability of the evidence;

(v) interfere, if there be some legal evidence on which findings can be based.

(vi) correct the error of fact however grave it may appear to be;

(vii) go into the proportionality of punishment unless it shocks its conscience?.



36. Further in the case of ***Indian Oil Corporation v. Ajit Kumar Singh***, reported in (2023) 19 SCC 102, the Apex Court has held as under:

“11. The views expressed by this Court on the scope of judicial review in SBI v. Ajai Kumar Srivastava [SBI v. Ajai Kumar Srivastava, (2021) 2 SCC 612 :], are extracted below;

28. The constitutional court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.?”

37. The writ court in a challenge against the order of disciplinary authority as confirmed by the appellate and revisional authority is only required to see whether the order by which the delinquent officer is visited with penalty, could have been passed based on the material available or punishment imposed is so harsh so as to shock the conscience of the Court, and the other ground of



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interference by the Writ Court is violation of principles of natural justice and non adherence to the statutory regulations resulting in procedural infraction. (*See – Union of India V. Subrata Nath – cited supra*)

38. Though, on behalf of the petitioner it is contended that on the petitioner tendering apology in respect of the incident that had taken place on 04.02.2019, the said matter having been closed, the authorities could not have initiated disciplinary action in respect of Articles of Charge-I, it is to be noted that the provocation for petitioner to pick up altercation with his superior on the morning of 05.02.2019 while, his superior was returning house after closing the duty and debriefing, is the incident that had taken place on the previous day night i.e., on 04.02.2019 while on duty, as otherwise there was no reason or occasion for the petitioner to have an altercation with his superior who was returning to his house in the morning after completing his duty as deposed by the defence witness who atleast had stated to have been seen both arguing loudly and in anger.

39. Thus, it is not open for the petitioner to claim that the incident on 05.02.2019, being independent and unconnected to the incident on 04.02.2019



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which was closed on the said day itself, for being visited with penalty.

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40. Insofar as the award of punishment / penalty is concerned, the High Court in exercise of jurisdiction under Article 226 of the Constitution of India does not act as appellate authority by examining the evidence as to whether the disciplinary authority on the basis of the evidence, could have imposed the punishment on the delinquent or the punishment awarded is disproportionate to the articles of charges, as the scope of review by the High Court is limited in relation to the decision making process and not to act as appellate / revisional authority either by reducing penalty awarded or modifying the same.

41. In the facts of the case, the petitioner having been provided with sufficient opportunities to assail the action of the disciplinary authority and the petitioner having availed the said remedies, and as it is not shown that the impugned proceeding suffering from any statutory infraction or violation of principles of natural justice, as held in the case of *Subrata Nath* (cited supra), this Court is of the view that the disciplinary authority having considered all the factual



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aspects while passing the penalty order and the same being affirmed by the appellate and revisional authority, the said factual aspect cannot be gone into by this Court in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

42. Further it is to be noted that petitioner being a member of Uniformed service, particularly being a member of elite force set up for secure sensitive establishments, ought to have conducted himself in a manner befitting his service.

43. Having regard to the settled position as analysed above, this Court is of the view that the punishment / penalty as awarded to the petitioner cannot be said as shocking the conscience of this Court for being interfered with by this Court in exercise of extra ordinary jurisdiction of Article under 226 of the Constitution of India.

44. Accordingly, the present writ petition as filed is devoid of merits and is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

06.02.2026

Speaking order / Non-speaking order
Index : Yes / No

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Neutral Citation : Yes / No

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T. VINOD KUMAR, J.

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Pre-delivery order made in
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06.02.2026.