



WEB COPY



WA No. 2245 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2245 of 2023

AND

CMP NO. 19402 OF 2023

Shiv Pratap Singh
Si / Exe No. 064360339, CISF Unit ASG,
Chendigarh Airport, Chandigarh.

..Appellant(s)

Vs

1. The Union Of India
Rep.by its Secretary to Government, Ministry of
Home Affairs, New Delhi.
2. The Additional Director General
Airport Sector CISF Head Quarters, Block
No.13, CGO Complex, No.16, CGO Complex,
Lodhi Road, New Delhi 110 003.
3. The Deputy Inspector General
CISF Head Quarters, South Zone / Airport
Sector, D-Block, 1st Floor, Rajaji Bhawan,
Besant Nagar, Chennai 90.
4. The Commandant
Central Industrial Security Force Unit, Airport
Security Guard, Trivandrum.
5. The Assistant Commandant
Central Undustrial Security Force Unit, Airport
Security Guard, Madurai.

..Respondent(s)



WA No. 2245 of 2023

WEB COPY

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the Order of the learned Judge made WP.No. 22298 of 2018 dated 02.08.2022.

For Appellant : Mr.L.P.Balajiram

For Respondents : Mr.K.Ramanamoorthy
CGC FOR R1 TO R5

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 02.08.2022 passed in W.P.No.22298 of 2018.

2. The writ petitioner / appellant is a member of the CISF ASG Madurai. He was deployed in 'B' shift duty on 15.03.2016 from 1300 Hrs to till departure of flight as a QRT I/C. At about 2045 Hrs during checking carried out by Shift I/C, it is found that the appellant was found talking on mobile phone at arrival exit on duty, in spite of clear instructions issued from ADG/AS, CISF Head Quarters, New Delhi vide letter dated 18.06.2014. Since it is a misconduct, the authorities issued notice calling for explanation. The appellant submitted his explanation and after affording opportunity, final order was passed in the departmental proceedings imposing the penalty of censure.



WA No. 2245 of 2023

WEB COPY

3. Learned counsel for the appellant would mainly contend that the punishment of censure is disproportionate to the gravity of the charges framed against him and therefore, the punishment requires to be modified to that of a lesser one.

4. Learned Standing Counsel would oppose by stating that instructions are issued to all the CISF personnel that they should not use mobile phone while on duty. The circular dated 23.08.2011 stands extracted hereunder.

*OFFICE OF THE DIRECTOR GENERAL OF AIRPORT SECTOR
CENTRAL INDUSTRIAL SECURITY FORCE
(Ministry of Home Affairs)*

*13 CGO Complex
Lodhi Road, N.Delhi
Dated : 23 Aug 2011*

No.O-42011/APC/OPS(2) Circular/AS/11-9065

Sub : *Use of Cell Phone by ASG while on duty- Reg.*

Reference is made to the Airport Sector Circular 14/2006 on the above subject directing that the ASG Staff shall not carry cell phones while on duty.

02 In partial modification to the Circular, the following directions are issued :-

- a) Mobile phones shall continue to be a non-permitted item and are not to be brought on duty by non-gazetted officers and other ranks.*
- b) All personnel of the unit will get their mobile numbers registered in the unit record so that they can be contacted in case of emergencies.*
- c) CASOs/ Unit Commanders may permit such personnel, who in their opinion, needs to carry their mobile phone in the operational and administrative interest of the unit. This is to be permitted in writing only with reasons.*



WA No. 2245 of 2023

WEB COPY

d) CASOs will keep a central record of mobile phone numbers of all the unit personnel.

03 Besides vide AS Cir.No.29/2006 it was directed that whenever CASOs go out of station, whether on leave or temporary duty they will hand over the official mobile phones to the officer in charge. This is not being adhered to by all the CASOs. The instructions are therefore reiterated for strict compliance.

04 Further, it is also directed that all officers who have been provided official mobile phones / numbers must carry their phone numbers with them 24 x 7 except while out of station (leave or temporary duty) and respond to the calls from the units / higher formations without fail.

05 Zonal DIsG should ensure strict implementation of the above instructions in the units under their respective jurisdiction.

Arun Choudhary
Special Director General /AS

Distribution

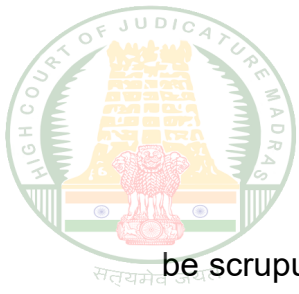
DisG/Aps(WZ) (E&NE), (South) and (NZ)

All CASOs CISF ASGs

AVSEC Cell NISA, Hyderabad and RTC Arakkonam

5. Since the superior authorities found usage of mobile phone by the appellant, disciplinary action was initiated for misconduct. Considering the nature of misconduct, minor penalty of censure alone was issued. There is no lesser punishment than that of the punishment of censure contemplated under the Service Rules. Thus, the writ Court rejected the writ petition.

6. This Court is of the considered view that the petitioner was deployed in airport, which is a sensitive area and he was posted in Quick Response Team Vehicle (QRTV) and therefore instructions issued by the Head Quarters are to



WA No. 2245 of 2023

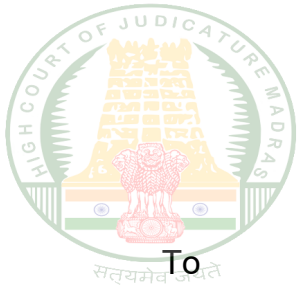
be scrupulously followed. Since the authorities found that the appellant violated the instructions, disciplinary action was initiated and the punishment of censure was issued. The request made by the appellant that the punishment is to be modified deserves no merit consideration since the High Court in exercise of its powers of judicial review under Article 226 of the Constitution cannot modify the punishment imposed by the authorities. Even in case the Court found that the punishment is disproportionate to the gravity of charges, the matter is to be remanded back. However, in the present case, no such occasion arose since the punishment of censure cannot be construed as disproportionate.

7. For all these reasons, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
04-06-2026

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

KST



WA No. 2245 of 2023

To

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2. The Additional Director General
Airport Sector CISF Head Quarters, Block
No.13, CGO Complex, No.16, CGO Complex,
Lodhi Road, New Delhi 110 003.
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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Page 7 of 7