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WP No. 35982 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 35982 of 2024
and WMP.Nos.38866 & 38867 of 2024**

Ashish Ranjan Prasad

Cisf Ins/exe 023190117 S/o.Shri,Umesh Chandra

Prasad, Cisf Unit, Nlc Neyveli, Cuddalore

Tamilnadu-607 801

..Petitioner(s)

Vs

1. The Director

Cisf Head Quarters, No.13, Cgo Complex,

Lodhi Road, New Delhi-110 003

2. The DIG

Cisf Unit, Nlc, Neyveli-607 801

3. The Commandant

Cisf Unit Rcfl, Mumbai

4. The Dy. Commandant

Cisf Unit, Nlc Neyveli, Cuddalore District,

Tamilnadu-607801

5. Subrata Gosh

Inquiry Officer, Dy.Commandant/e.O. Cisf

Unit, Nlc Neyveli-607 801

..Respondent(s)



Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the respondent culminating in the Charge Memorandum ref. No.V-15014 / CISF / RCFL(M)-36 / Insp.A.R.P.(2) /2022/4419 dated 7.12.2022 issued by the commandant CISF Unit RCFL, Mumbai the 3rd respondent herein under Rule 36 of the CISF Rules 2011 and quash the same.

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

For Respondent(s): Mr. C. Samivel, Senior Central Government
Standing Counsel [SPC]

ORDER

Challenging the Charge Memorandum ref. No.V-15014 / CISF / RCFL(M)-36 / Insp.A.R.P.(2) / 2022/4419, dated 07.12.2022 issued by the commandant CISF Unit RCFL, Mumbai, the third respondent herein under Rule 36 of the CISF Rules 2011, the present Writ Petition has been filed.

2. Heard the learned counsels appearing on either side and also perused the materials available on record.

3. The brief facts which leads to the filing of the present petition is as follows:

3.1. The petitioner was issued with the charge memorandum dated



07.12.2022 on the alleged irregularities committed by the NCB Team, Mumbai during the search and seizure operations on 02.10.2021, which culminated into registration of the case in Cr.No.94 of 2021, SEB, Mumbai, for which the petitioner had submitted his reply denying all the charges on 20.12.2022, however Enquiry and Presenting Officers were appointed by CISF Unit, RCFL, Mumbai and in the meanwhile, the petitioner was transferred to CISF Unit, NLC, Neyveli vide order dated 04.10.2023 and thereafter, deputed to Jammu & Kashmir for Assembly Elections 2024. At present, enquiry is being conducted by the Enquiry Officer, CISF Unit, NLC, Neyveli. The petitioner was not given reasonable opportunities to cross examine the prosecution witnesses and forced to examine them on the same day of their Chief examination and Special Enquiry Team [SET] enquiry report was also taken as evidence in the departmental proceedings, which is not sustainable and he was also not supplied with necessary documents by the respondents to defend his case. Aggrieved over the procedural irregularities in the enquiry process, the petitioner made several representations but the same were not considered. Hence, the present Writ Petition.

4. The learned counsel for the petitioner submitted that the impugned charge memorandum as against the petitioner is solely on the basis of the enquiry report submitted by the NCB officials and the said report has only suggested for taking disciplinary action as against the NCB officials, who are



part of the search and seizure. He further submitted that the charge memo was prepared solely on the enquiry report prepared by the NCB officials, which is not sustainable and the charges were framed reiterating the charge sheet in the criminal case including the documents and witnesses and also taken the evidence of SET, which is unsustainable. He also submitted that the present charge memo was issued by the disciplinary personnels not on the basis of the independent witness but on the basis of the suggestions of the enquiry report which is not sustainable, however, in this regard, the submissions made to the Enquiry Officer was rejected.

5. Adding his submissions, he strongly drew the attention of this Court to the fact that Sameer Dnyandev Wankhede, who is an officer of Indian Revenue Service, who then held the position of Zonal Director, NCB, Mumbai, who was also a member of the NCB team involved in the search and seizure in Cr.No.94 of 2021 was also served with a charge memorandum as that of the petitioner and the same was challenged by the Sameer Wankhede before the Central Administrative Tribunal, New Delhi in O.A.No.3258 of 2025. The Central Administrative Tribunal Principal Bench, New Delhi passed an order in O.A.No.3258 of 2025 dated 19.01.2026 in favour of the Sameer Wankhede by quashing the charge memorandum and since for the very same set of charges, the charge memorandum against Sameer Wankhede was quashed by the Tribunal, the same is applicable to the petitioner and hence, prayed this Court to



extend the same benefit to the petitioner. The learned counsel thus, prayed this Court to grant the relief as sought for by the petitioner in the present Writ Petition.

6. Per contra, the learned Senior Central Government Standing counsel for the respondents submitted that the petitioner received the charge memo dated 07.12.2022 on 12.12.2022 and submitted his reply denying the charges levelled against him on 20.12.2022. He submitted that Inquiry Officer and Presenting Officer were appointed to enquire into the matter and due to non availability of the petitioner as well as the prosecution witnesses since they were engaged with other Court cases and commitments, enquiry was not conducted properly and in the meanwhile, the petitioner was transferred to CISF Unit, NLC Neyveli, where Enquiry Officer as well as Presenting Officer were appointed for the enquiry and due to various reasons, Enquiry Officers were changed, however recording the statement of prosecution witnesses were completed and also that sufficient opportunities were granted to the petitioner to defend his case and when the Enquiry Officer scheduled to record the defence witnesses, the petitioner approached this Court by way of filing the present petition and in the said petition, an interim direction was granted by this Court not to proceed further with the enquiry. He submitted that the enquiry was done as per the procedures and in a progressive stage and requested to permit them to conclude the departmental proceedings and hence, prayed for dismissal of the



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7. Heard the rival submissions made by the respective learned counsels and perused the materials available on record.

8. The petitioner did not furnish the service particulars properly in regard to his entry into service and his deputation to Mumbai. However, the case of the petitioner is that he was sent on deputation from CISF Unit, CCL NK, Piparwar, Ranchi to NCB, Mumbai as Intelligence Officer, NCB, Mumbai Zonal Unit. While so, he participated in the search and seizure operation along with NCB officials on the basis of a secret information received that some persons were found in possession of drugs in the Cordelia Cruise Ship and due to non compliance of the duties as per NCB Circular dated 21.08.2013 in the said operation, a case was registered by the NCB in Cr.No.94 of 2021.

9. NCB team comprised Sameer Wankhede, IRS Zonal Director, Vishwa Vijay Singh, Superintendent and 6 others, wherein the petitioner is one among the Search and Seizure team. The petitioner along with his team and other independent witnesses after getting gate passes from CISF Security Personnel, gained entry inside the terminal building and the team positioned themselves near the departure gate and waited for suspected passengers boarding the Cruise ship. At around 16.50 hours, the petitioner stopped and enquired with Vikrant



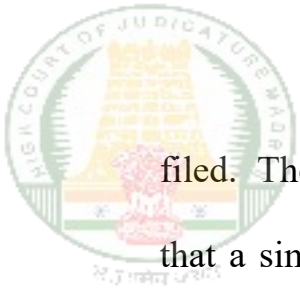
Chhoke and Ismeet Singh and explained the procedure for search and seizure as per Section 50 of the NDPS Act. They both confessed of having narcotic drugs and the drugs recovered from them weighs 5 gms Mephedrone, 10 gms of cocakine, 10 grams of charas and likewise, 6.5 gms Moma, 3 gms of cocaine, 2.8 gms of Moma were recovered from Ismeet Singh and Gomit Chopra respectively. On the search and seizure, Arbaaz, a merchant and Aryan Shahrukh Khan are also found in possession of the drugs and they also confessed that they are in possession of charas and also consumed the same. The search and seizure was completed by 21.10 hours on 02.10.2021 and thereafter, appropriate authority prepared panchanama on the same day at cabin No.3603 of the Cruise in the presence of witnesses. Thereafter, NCB constituted a five member Enquiry Committee to enquire into the irregularities allegedly committed by the NCB team in their search and seizure operation, which resulted in registration of a case in Cr.No.94 of 2021. However, the Committee was reconstituted on 23.06.2022 which comprised three members namely, Mr.Gyaneswar Singh, Deputy Director General, NCB, Mr.Piyush Kumar and Mr.Sudhir Saini, Intelligence Officers, Vigilance NCB. After conducting enquiry, an enquiry report was prepared pointing out the irregularities allegedly committed by the members of the NCB team and the enquiry report suggested arrest of the members including the petitioner. Thereafter, the present impugned charge memorandum was issued as against the petitioner alleging that as if the petitioner suppressed the correct information



about the presence of one Kashif Khan, an outsider and that he had allowed him to leave the search premises and failed to maintain absolute integrity and devotion to duty and also failed to maintain accountability and transparency.

The petitioner is responsible for non compliance of the duty as adhered in the NCB Circular of the respondent dated 21.08.2013 in the search and seizure and arrest and mentioning wrong information in the panchanama dated 02.10.2021 with regard to incorrect recording of the statement of Aryan, who is none other than the son of the cine actor Sharukh Khan and also with regard to the recovery of the Narcotic drugs from the accused persons and non compliance of his charted duties as mentioned in the NCB Circular dated 21.08.2013 and also during the custody of the Aryan. Since irregularities were committed by the petitioner during the search and seizure and also during the custody of Aryan, dereliction of duty by the petitioner is proved and hence, the charges were framed against the petitioner due to non compliance of his duty and he was issued with the impugned charge memorandum. Challenging the same, the present Writ Petition has been filed.

10. The facts in the present case is not disputed. The charge memo was issued against the petitioner on 07.12.2022 on the basis of the recommendations of the Special Investigation Team of NCB, Narcotic Mumbai and the petitioner had submitted his reply on 20.12.2022 denying the charges as against the petitioner. When the enquiry is in progress, the present Writ Petition has been



filed. The learned counsel submitted to allow the present petition on the ground that a similar person by name, Sameer Wankhede, an IRS official, Additional Commissioner of NCB, Mumbai, who had headed the team for search and seizure along with the petitioner, was also served with the charge memorandum for the same set of charges as that of the petitioner but however, the Central Administrative Tribunal has quashed the charge memorandum as against the said Sameer Wankhede on the ground that since for the very same set of allegations, the enquiry was conducted by the Special Investigation Team which had arrived at the conclusion as if Sameer Wankhede had not conducted the search and seizure properly in the manner set out in law and the same is contrary to the NCB Circular dated 21.08.2013 and quashed the charge memo by holding that the departmental inquiry has the potential to prejudice the defence of an employee in a criminal case involving identical facts. In view of the same, the learned counsel for the petitioner submitted that the petitioner, who is in CISF and deputed in the said operation is placed similar as that of the NCB official Sameer Wankhede and prayed that the similar benefit to be extended to the petitioner. This Court is of the view that the case of the petitioner has to be decided only by the Disciplinary Authority on the basis of the enquiry report to be submitted by the Enquiry Officer and it is only a charge memo as against the petitioner and the charge memo cannot be challenged at the threshold. The petitioner can canvass all his grievances and innocence before the Disciplinary Authority / Enquiry Officer and the Disciplinary Authority can



arrive at the conclusion on the basis of the evidence not on the basis of the enquiry report of the Special Investigation Team. Hence, the grievances expressed on behalf of the petitioner before this Court, is misconceived.

11. In view of the above reasonings, this Court without expressing any of its opinion on the merits of the case, dismisses the Writ Petition by granting liberty to the petitioner to approach the disciplinary authority and to defend his case by ventilating all his grievances addressed before this Court. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to cost.

09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DP



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