



WEB COPY



WA No. 741 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No.741 of 2026 and
CMP No.7563 of 2026**

1. Union of India, Rep. by its Secretary to the Government, Department of Home Affairs, New Delhi.
2. The Director General, CISF Head Quarters, No.13, C.G.O. Complex, Lodhi Road, New Delhi-110 003.
3. The Inspector General, CISF Head Quarters South Sector, Chennai Port Trust Campus, Near War Memorial, Chennai-600 009.
4. The Deputy Inspector General, CISF, Head Quarters, Rajaji Bhawan, Besant Nagar, Chennai-600 090.
5. The Commandant, CISF Unit, RSTPS (R), Jyothi Nagar Post, Karim Nagar District, Andhra Pradesh.

..Appellant(s)

Vs

A.Sathyamurthy
Ex-Head Constable /GD No.892331141,
No.1, Kakkan Street, Natarajapuram,
Chrompet, Chennai-600 044

..Respondent(s)



WA No. 741 of 2026

Writ Appeal filed under clause 15 of Letters Patent to set aside the order dated 19.03.2025 passed in WP.No.20386 of 2012 and allow the Writ Petition.

For Appellant(s): Mrs. Padma Soundararajan

For Respondent(s): -

Judgment

(Judgment of the Court was delivered by N.Senthilkumar J.)

The Appeal has been filed to set aside the order dated 19.03.2025 passed in WP.No.20386 of 2012.

2.In view of the order that is going to be passed in this Appeal at the admission stage, notice to the respondent is dispensed with.

3.The learned counsel for the Appellant submitted that the respondent/writ petitioner had challenged the order imposing the punishment of removal from service, which was confirmed by the appellate authority.

4.1.The case of the Respondent in the writ petition is that while he was serving as a Head Constable with the 4th Appellant, he was directed to proceed to New Delhi from Andhra Pradesh in connection with the Common Wealth



Games in New Delhi. While so, when he returned to Ramagundam Railway Station on 19.10.2010, at about 18.10 hrs., due to his illness, he left the train, leaving behind the Rifle with loaded machine of 20 rounds of 7.62 MM ammunition in Coach No.S11 / Berth No.08, which was allotted to him. Thereafter, departmental proceedings were initiated and the Enquiry Officer found the respondent guilty of the charges in the Enquiry Report dated 02.03.2011 which was accepted by the 5th Appellant. The punishment of removal from service was imposed against him vide order dated 04.04.2011.

4.2.The Respondent had taken a specific stand that he had fallen sick and was unable to move in the train during the journey and he was given only a packet of biscuit and cool drinks and therefore, the Petitioner was not in a stable condition. Thus, the Petitioner by mistake had left behind the loaded Rifle in the train and had however immediately reported the same to the authorities. Therefore, it is stated that there was no deliberate attempt on the part of the Petitioner to leave the loaded Rifle in the train to warrant a punishment of removal from service.

5.The learned counsel for the Appellants pointed out that, at the time of



incident, the train passed through Andhra Pradesh, a very sensitive area, which had potential threat from the Naxalites, had the unattended loaded rifle was gotten hold of by the Naxalites, it would have been a threat to national security. Therefore, the punishment of removal from service imposed by the Enquiry Officer and confirmed by the appellate authority ought not to have been interfered by the writ Court.

6.The Appellants have not disproved the stand taken by the respondent with regard to his health condition at the time of the incident. The respondent has stated that he had fallen sick and was unable to move and that by mistake, he left behind the loaded rifle. Though we agree with the decision to punish the respondent, the defence taken by the respondent cannot be thrown out as it is a medical reason, which can affect any person irrespective of their position. Therefore, medical condition of a person cannot be ignored.

7.It is also not the case of the Appellants that the loaded rifle was stolen and it was retrieved from the person, who has stolen it or that the respondent has deliberately left the loaded rifle unattended to enable someone to get hold of it. In the absence of any such specific plea with regard to the loaded rifle, the



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punishment of removal from service cannot be imposed against the respondent, who is citing medical reasons. After considering all these facts, the writ Court has modified the punishment of removal from service to compulsory retirement. Therefore, there is no necessity to interfere with the order passed by the writ Court.

8.In fine, the Writ Appeal is dismissed. The order passed by the writ Court dated 19.03.2025 passed in WP.No.20386 of 2012 is confirmed. The direction of the writ Court shall be complied, within a period of twelve weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.K.,J.) (N.S.,J.)
18-03-2026

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

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To

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