



W.A.(MD)No.924 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 02.03.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.924 of 2022**

A.R.Ajai

... Appellant

Vs.

1. Union of India  
Represented by its Secretary to the Government,  
Ministry of Home Affairs, New Delhi.
2. The Special Director General/Airport Sector,  
CISF Head Quarters,  
No.13, C.G.O. Complex,  
Lodhi Road, New Delhi - 110 003.
3. The Inspector General/Airport Sector,  
CISF Head Quarters,  
No.13, C.G.O. Complex,  
Lodhi Road, New Delhi - 110 003.
4. The Deputy Inspector General/Airport Sector,  
CISF Head Quarters South Zone,  
'D' Block First Floor Rajaji Bhavan,  
Besant Nagar,  
Chennai - 600 090.



W.A.(MD)No.924 of 2022

5. The Commandant,  
CISF Unit ASG Trivandrum,  
Post: Vallakkadavu Trivandrum Airport,  
Kerala - 695 008.

6. The Deputy Commandant,  
CISF Unit, ASG Madurai Airport,  
Madurai.

... Respondents

**Prayer :** Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.104 of 2013 dated 09.03.2022 on the file of this Court.

For Appellant : Mr.K.Vadivelu

For Respondents : Mr.S.Karthik  
Standing Counsel.

### **JUDGMENT**

**(Judgment of the Court was delivered by G.R.Swaminathan, J.)**

The unsuccessful writ petitioner has filed this writ appeal. The writ petitioner joined CISF as Constable on 16.02.2002. When he was on duty at Madurai Airport on 18.08.2011, he was found sitting on a chair elsewhere and not in the allotted duty spot. When it was questioned by the Head Constable / Sohan Singh, the appellant had assaulted him with rifle butt twice on his forehead. Hence, charge memo was issued on 29.08.2011. It contained the following three articles of charge:-



W.A.(MD)No.924 of 2022

**“ARTICLE OF CHARGE - I**

*That No-024380285 Const./GD Ajai. A. R of CISF Unit ASG Madurai Airport was detailed for Quarter Guard rear side sentry duty from 2200 hrs to 2400 hrs on 18.08.2011. While on duty at about 2210 hrs, No-024380285 Const./GD Ajai. A. R was found sitting on a plastic chair in front side beat of Quarter Guard by leaving his duty post, which was noticed by the No-833220088 HC/GD Sohan Singh, Guard Commander and No-102850646 Const./GD Ramanamurthy. K, who was detailed for Quarter Guard front side sentry from 2200 hrs to 2400 hrs on 18-08-2011. No-024380285 Const./GD Ajai. A. R after leaving his duty post of rear side Quarter Guard unattended and found sitting on a plastic chair at the front side beat of the Quarter Guard while on duty which amount to gross misconduct and dereliction of duty unbecoming of a member of an Armed Force of the Union. Hence the charge.*

**ARTICLE OF CHARGE - II**

*That No-024380285 Const./GD Ajai. A. R of CISF Unit ASG Madurai Airport was detailed for Quarter Guard rear side sentry duty from 2200 hrs to 2400 hrs on 18.08.2011. While on duty at about 2210 hrs, No-024380285 Const./GD Ajai. A. R was found sitting on a plastic chair in front side beat of Quarter Guard by leaving his duty post, which was observed by the Guard Commander HC/GD Sohan Singh and he was directed by the Guard Commander to deposit the chair inside the Quarter Guard and perform Quarter Guard duty in standing*



W.A.(MD)No.924 of 2022

*position at the rear side of Quarter Guard, but No-024380285 Const./GD Ajai. A. R refused to carry out the lawful orders of his senior which act amounts to gross misconduct and dereliction of duty and an act of unbecoming of a member of an Armed Force of the Union. Hence the charge.*

### **ARTICLE OF CHARGE - III**

*That No-024380285 Const./GD Ajai. A. R of CISF Unit ASG Madurai Airport was detailed for Quarter Guard rear side sentry duty from 2200 hrs to 2400 hrs on 18.08.2011. While on duty at about 2210 hrs, No-024380285 Const./GD Ajai. A. R had an argument with No-833220088 HC/GD Sohan Singh, Guard Commander the near the front side beat of Quarter Guard and he assaulted the Guard Commander, HC/GD Sohan Singh, in front of No-102850646 Const./GD Ramanamurthy. K, with 5.56 INSAS Rifle Butt (Butt No. 17, Regd No. 18148581) issued to him for performing bonafide duty at Quarter Guard, as a result No. 833220088 HC/GD Sohan Singh sustained injury above left eyebrow and below left eye. The above act on the part of No. 024380285 Const/GD Ajai A.R. of CISF Unit ASG Madurai Airport amounts to serious misconduct gross insubordination and dereliction of duty unbecoming of a member of an Armed Force of the Union. Hence the charge.”*

The petitioner offered his explanation dated 11.09.2011. Not satisfied with the same, departmental enquiry was ordered. As many as eight witnesses were examined in support of the charges. The enquiry officer



**W.A.(MD)No.924 of 2022**

submitted his report dated 30.10.2011 holding that all the three charges framed against the appellant stood established. Copy of the report was served on the appellant. After getting his further representation, the disciplinary authority vide order dated 14.12.2011 concurred with the findings of the enquiry officer and imposed the punishment of dismissal from service. The appellate authority vide order dated 19.04.2012 confirmed the punishment and dismissed the appellant's appeal. Vide order dated 26.09.2012, the revisional authority also dismissed the appellant's revision petition. Challenging these orders, the appellant filed W.P.(MD)No.104 of 2013. The learned Single Judge vide order dated 09.03.2022 dismissed the writ petition. Assailing the same, this writ appeal has been filed.

2.The learned counsel for the appellant reiterated all the contentions set out in the grounds of appeal. His core submission was that the punishment of dismissal from service was grossly disproportionate to the charges levelled against him. The learned counsel made it appear that for simple act of sitting on a chair during duty hours, the appellant had been harshly dealt with.



*W.A.(MD)No.924 of 2022*

3.Per contra, the learned standing counsel for the respondents submitted that the orders impugned in the writ petition are well reasoned and that the learned Single Judge rightly declined to interfere in the matter. He pressed for dismissal of the writ appeal.

4.We carefully considered the rival submissions and went through the materials on record. If the only charge against the appellant was that he was not in the duty spot but found sitting on a chair instead elsewhere during his duty hours, then probably we would have taken a lenient view. But that is not the case. When the appellant questioned by his immediate superior, the appellant not only entered into a verbal quarrel with him but also assaulted him twice on his left eye brow with his rifle butt. As a result, the Head Constable / Sohan Singh suffered bleeding injury. He was admitted in hospital. He remained in-patient for a day. The discharge summary of Sohan Singh who was examined as P.W.1 during enquiry was also marked. Considering these aspects, the disciplinary authority rendered a specific finding that stern view must be taken and that if such acts condoned, that would seriously affect the morale and discipline of the uniformed force. That apart, the appellant had earlier



W.A.(MD)No.924 of 2022

suffered punishments on as many as six occasions. Taking note of all these aspects, the learned Single Judge declined to interfere in the matter.

5.The Hon'ble Supreme Court in the decision reported in **(2022) 1 SCC 373 (Union of India Vs. Ex. Constable Ram Karan)** had held as follows:-

*“23.The well-ingrained principle of law is that it is the disciplinary authority, or the appellate authority in appeal, which is to decide the nature of punishment to be given to the delinquent employee. Keeping in view the seriousness of the misconduct committed by such an employee, it is not open for the courts to assume and usurp the function of the disciplinary authority.*

*24.Even in cases where the punishment imposed by the disciplinary authority is found to be shocking to the conscience of the court, normally the disciplinary authority or the appellate authority should be directed to reconsider the question of imposition of penalty. The scope of judicial review on the quantum of punishment is available but with a limited scope. It is only when the penalty imposed appears to be shockingly disproportionate to the nature of misconduct that the courts would frown upon.”*



W.A.(MD)No.924 of 2022

6.The Hon'ble Supreme Court in the decision rendered in Civil Appeals Nos.1622 and 1623 of 2022 dated 24.02.2022 (Union of India Vs. Managobinda Samantaray) had held as follows:-

*“.... On merits of quantum of punishment imposed, the courts would not interfere unless the exercise of discretion in awarding punishment is perverse in the sense the punishment imposed is grossly disproportionate.”*

7.The Writ Court can interfere with the punishment imposed by the disciplinary authority only if the punishment is so harsh and disproportionate as to shock one's judicial conscience. It is the appellant's conduct that is shocking; not the punishment imposed on him. The appellant as a member of the uniformed force could not have violently assaulted his superior, more so when he was in the wrong. We decline to interfere and the writ appeal stands dismissed. No costs.

**(G.R.S. J.) & (R.P. J.)**  
**02.03.2026**

NCC : Yes/No  
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**W.A.(MD)No.924 of 2022**



WEB COPY



**W.A.(MD)No.924 of 2022**

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**W.A.(MD)No.924 of 2022**

**02.03.2026**