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W.A.(MD)NO.1929 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)No.1929 of 2023

1. The Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs, New Delhi.
 2. The Director General,
Central Industrial Security Force,
Head Quarters,
CGO Complex, Lodhi Road,
New Delhi – 100 003.
 3. The Inspector General,
Central Industrial Security Force,
South Sector, Near War Memorial
Chennai Port Trust Campus,
Chennai – 600 009.
 4. The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhawan, Besant Nagar,
Chennai – 600 090.
 5. The Senior Commandant,
Central Industrial Security Force Unit,
4th Reserve Battalion,
Sivagangai District.
- ... Appellants/Respondents

Vs.



S.Ravikumar,
No.882330596 Pharmacist,
Central Industrial Security Force Unit,
4th Reserve Battalion,
Sivagangai District.

... Respondent / Petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the impugned order dated 21.02.2023 made in W.P. (MD)No.21145 of 2017 on the file of this Court and allow the writ appeal.

For Appellants : Mr.V.Sasi Kumar

For Respondents : Mr. K.Guhan

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J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2.The writ petitioner Ravikumar joined Central Industrial Security Force as Constable in the year 1988. He was subsequently selected as Compounder in the year 1992. The post of Compounder was redesignated as Pharmacist in the year 1996.



3.He was served with charge memo dated 21.09.2015. It contained the following article of charge:-

“No.882330596 Pharmacist S.Ravi Kumar of CISF 4th Reserve Battalion Sivagangai while on duty on 26.08.2015 at about 1100 hrs indulged in misbehaviour with Smt Kiran W/o.No.104473414 Constable/GD Yogesh Kumar in the presence of other pharmacist M.Ravichandran by commenting that she doesn't seem to be a patient, but has good personality, health and he felt as if she was a serving CISF Constable, when she was preparing OPD slip in the hospital of 4th RB Sivagangai. Again, on 31.08.2015 at about 1330 hrs, he also went to the residence of Smt.Kiran Yogesh Kumar Markam when her husband was away on IS duty at CISF Unit, DMRC New Delhi, on the pretext of checking of medicine and was engaged in perverse conversation with an ulterior motive to commit misbehaviour with her. Thus, the act on the part of No.882330596 Pharmacist S.Ravi Kumar of CISF 4th Reserve Battalion Sivagangai amounts to gross misconduct, indiscipline and unbecoming conduct of para medical staff of an Armed Force of the Union.” Hence, the charge.”



4.Enquiry was conducted and the enquiry officer gave a finding that the charge stood established. After getting the writ petitioner's explanation, the disciplinary authority imposed the punishment of reduction of pay with cumulative effect. The order passed by the disciplinary authority is as follows:-

“15. I therefore, in exercise of powers conferred upon me under Rule-12 and with Rule-11(v) of CCS CCA Rules 1965, award the punishment of REDUCTION OF PAY BY ONE STAGE FROM RS.17410/- BASIC PAY + RS. 4800/- GRADE PAY TO RS.16760/- BASIC PAY + RS. 4800/- FOR A PERIOD OF TWO (02) YEARS WITH IMMEDIATE EFFECT. IT IS FURTHER ORDERED THAT HE WILL NOT EARN ANY INCREMENTS OF PAY DURING THE PERIOD OF REDUCTION AND THAT ON EXPIRY OF THIS PERIOD, THE REDUCTION WILL HAVE THE EFFECT OF POSTPONING HIS FUTURE INCREMENTS OF PAY to No.882330596 Pharmacist S.Ravi Kumar of CISF 4th RB Sivagangai.”

Aggrieved by the same, the writ petitioner filed an appeal before the appellate authority. The appellate authority also confirmed the punishment vide order dated 21.04.2016. The reviewing authority also declined to interfere. Challenging these orders, W.P.(MD)



No.21145 of 2017 was filed. The learned single Judge disposed of the writ petition vide order dated 21.02.2023 in the following terms:-

“6. The contention that was raised by the petitioner is that the victim has not submitted any written complaint. However, on perusal of the available records, it is seen, even though, written complaint was not submitted, oral complaint was submitted. Based on which, necessary action has been initiated. The victim was directed to give statement during the preliminary enquiry. The first question is,

(i). Whether the Pharmacist Ravikumar tried to physically get in touch with you during the above narrated incident?

She has answered 'No'.

The second question is,

(ii). Whether he used any sexually abusing words or signs during the incident apart from the above?

She has answered 'No'. However, she has given an explanation that, his overall behaviour, look, way of talking, especially pressurizing in checking the petitioner at the victims' home was uncomfortable towards dignity of women.



7. The contention of the respondents is that based on the facts and circumstances, the respondents have imposed minimum punishment. However, the petitioner submitted that the respondents have imposed major punishment. But the respondents have submitted, it will come under the minimum punishment and relied on the Central Civil Services Rules and submitted that reduction in the time scale of pay for a period of one year not exceeding three years without cumulative effect will come under minor punishment and will not have an adverse effect on the petitioner. In the present case, the respondents have imposed with cumulative effect and the same would affect his further increments, hence it is major punishment only. Therefore, the contention of the respondents that the same is minor punishment is incorrect.

8. Moreover the complainant has stated a categorical “No” for the question whether the petitioner has used sexually abusing words or signs during the incident. In such circumstances the punishment imposed on the petitioner is on the higher side.

9. The petitioner further contented that the respondent had initiated action for the alleged women harassment. But the respondents ought to



have constituted complaints committee, but the respondents had initiated action directly without following the procedure. However, the respondents submitted that the said Act cannot be invoked since it had happened outside the campus or premises of the work place. This Court is of the considered opinion that the Sexual Harassment of Women at Work Place Act, 2013 can also be invoked. But the respondents have choice to action in any one of the Act and there is no infirmity in taking action under general provisions of CCS (CCA) Rules.

10. As far as the punishment is concerned the present impugned punishment would affect the petitioner's pensionary benefits as well. Moreover, as stated supra this Court is of the considered opinion that the punishment is on the higher side and hence this Court is inclined to reduce the punishment. The impugned punishment shall be reduced to reduction of scale of pay for one year without cumulative effect and the same will be appropriate punishment. However, the petitioner is warned, in future if he behaves in such a way, serious action would be initiated. Accordingly, this Court is inclined to modify the punishment as reduction in stage by one increment for one year, however, it will not have impact on future



increments. The respondents shall implement this punishment within a period of eight weeks from the date of receipt of the copy of the order.”

Aggrieved by the said order of the learned Single Judge, this writ appeal has been filed by the employer.

5.The writ petitioner was found guilty and the learned single Judge did not interfere with the finding of guilt. In these circumstances, the question that arises is whether the punishment imposed on the writ petitioner should have been interfered with.

6.It is seen that the writ petitioner had served the organization for more than twenty eight years. It is stated that his retirement will be in March 2026. Since imposing of punishment with cumulative effect would have an implication on one's pensionary benefits, the learned single Judge chose to modify the punishment. We are of the view that the punishment of reduction of pay by two stages may be retained but it shall be without any cumulative effect. The writ petitioner's pension shall not be affected. The learned single Judge had taken a lenient view that since the writ petitioner had not



committed any physical act. Considering the otherwise unblemished service record of the writ petitioner, we substantially confirm the order of the learned single Judge. The order of the learned Single Judge is modified to the extent mentioned above. This writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
3rd February 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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10

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