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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision : 13.01.2026+ **W.P.(C) 2857/2020, CM APPL. 9941/2020****ASI ANWAR HUSSAIN**

.....Petitioner

Through: Mr. Ajay Sharma, Adv.

versus

CENTRAL INDUSTRIAL SECURITY FORCE AND ORS.

.....Respondents

Through: Mr. Rajesh Kumar, SPC, Ms. Pragya Yadav, Advs. Mr. Sanjay Kumar, (Insp. CISF, FHQ), Mr. V S Rawat (Asst. Commandant, CISF)

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed by the petitioner with the following prayers:-

“a. Issue a writ, order or direction in the nature of in the nature of certiorari thereby quashing the order dated 20.09.2019 passed by the Respondent no. 1 and further more Issue a writ of mandamus upon the Respondents for granting appropriate relief in the nature of promotion to protect the Interest of justice.”

2. In substance, the petitioner is challenging the order dated 20.09.2019 whereby the Director General (“DG”), Central Industrial Security Force (“CISF”) in exercise of his powers has decided the mercy petition of the petitioner against the order passed by the Inspector General, Northern Sector modifying the penalty imposed on the petitioner, that of reduction of pay by one stage from Rs. 34,900/- to Rs. 33,900/- as per matrix level 5 in the scale of PB-I, 5200-20200 + Grade Pay 2800/- for a period of one year with



immediate effect. It was further directed that he would earn increments of pay during the period of reduction and that on expiry of this period, the reduction would not have the effect of postponing his future increments of pay.

3. It may be stated here that the petitioner was enrolled in CISF on 12.11.2011. While working in CISF, he was sanctioned 11 days leave between 13.10.2016 to 23.10.2016 by the respondents. It is the case of the petitioner that while staying at his home on leave, he suffered from Kidney problem. The petitioner had consulted an Ayurvedic Doctor at his native place at Bhilwara, Rajasthan. On 23.10.2016, the petitioner made a call to the control room of respondent no.3 intimating them about his deteriorated health condition because of which he is not in a position to rejoin his unit on the day as approved by respondent no. 3. He also requested the respondent no.4 to grant him an additional leave of ten days.

4. It is his case that the relevant medical prescriptions from the office of Government District Ayurvedic Hospital, Bhilwara were also sent to the respondents. There is no dispute that on 16.12.2016, the petitioner reported for duty. It is noted that a charge-sheet was issued to the petitioner under Rule 36 of the Central Industrial Security Force Rules, 2001 (CISF Rules, 2001) wherein the following articles of charge were framed against the petitioner:-

“CHARGE-ONE”

“ASI/ Exe. Anwar Hussain posted in CISF unit oil Dul FS-1 is charged that he remained absent from duties intentionally since 25.10.2016 and 16.12.2016 total 53 days without any prior permission on leaves, which is more than the permitted casual leaves. Hence it amounts to his malpractice, indiscipline and



dereliction in Government Duties to remain absent from duty with the prior permission to leave of competent officer, being the member of disciplined force. Hence charged.”

“CHARGE-SECOND”

“ASI/Exe. Anwar Hussain posted in CISF unit oil Dul. /FS-1 is charged that during his short services in CISF, was punished with one minor Punishment even then ASI/Exe. Anwar Hussain remained unable to refer in himself in service which amounts his dereliction and indiscipline in duty being himself as the member of CISF Subordinate Officer.”

5. Be that as it may, *vide* order dated 17.06.2017 the said charge-sheet resulted in a penalty of reduction of pay by one stage from Rs.34,900/- to Rs.33,900/- as per pay matrix level-5 in the scale of PB-I, 5,200-20,200 + Grade Pay of 2800 for a period of one year with immediate effect, with further directions that he will not earn 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.

6. Being aggrieved by the order, the petitioner preferred an appeal before the Appellate Authority/DIG, CISF, 6th R.B., Deoli, who after consideration rejected the appeal *vide* order dated 12.09.2017. Aggrieved by the said order, the petitioner preferred a revision petition before the Inspector General/Training Sector but because of change of administrative control of CISF, the same was considered by IG (NS), CISF, who after due consideration *vide* the order dated 26.11.2018 affirmed the initial penalty of reduction of pay but modifying the further direction. Thereafter, the petitioner submitted a mercy petition dated 08.02.2019 before the Director General, CISF, who accepted the same and taking a compassionate view,



modified the penalty awarded to the petitioner to censure. It is this order, which is effectively under challenge.

7. The stand of the petitioner through his counsel is that when the petitioner had through a Government hospital of the Ayurveda submitted the prescriptions wherein the Doctor had advised bed rest, his absence cannot be said to be unauthorised. Hence, the issuance of the charge-sheet and penalty imposed are clearly untenable. The submission of the petitioner cannot be accepted for the reason that the perusal of the enquiry report would reveal as under:-

“a. On 23.10.2016, the charged member informed in Unit Control Room, that there is stone in his kidney and he is taking treatment of Bhilwara Homeopathic Hospital and doctors has advised not to take long journey. (The charged member accepted his mistake and amended the Ayurvedic Hospital instead of Homeopathy Hospital). So that he is unable to attend duty and prayed for 10 days Half Pay leave and 10 days earned leave be extended which is corroborated by the statement of DW1 and PW1/Ex. P2 but in the response letter to first unit call up letter he has mentioned that he is effected by severe back, pain, liver stone and urine infection, then in second call up letter mention the 'back pain' which is corroborated by CW1/Ex. C1 and CW2/Ext.C4, because of which the ailment situation of charged member becomes doubtful.

b. The treatment of charged member was in progress before the leaves i.e. 13.10,2016 before getting the leaves which is proved by CW1/Ex.CS, CW1/Ex. C4, C5, C6, and C7 and during the progress of treatment he was doing his duties, and after getting the Oil days leaves during his treatment how he took journey for his home place in the same way being under treatment he could have take journey for duty after



completion of leaves and might take treatment in unit oil hospital, which seems that the charged member willfully wanted to stay in excess of permitted leaves and permission thereof.

c. The doctor of Bhilwara Ayurvedic Hospital, advised the medicine on 25.10.2016, which is proved by CW I/Ext. 022, but the charged member purchased that medicine on 02.11.2016, which proved by CWI/Ex.C23, hence the statement of charged member that he was hopeful in the treatment according to Chikisa System, does not seems to be true and it seems that the charged member was not ill of serious ailment, if he would have effected by serious ailment, certainly he would have purchased the medicine of same date of advice and continued.

d. On 23.10.2016, the charged member informed in the Unit Control Room that he is taking the treatment of Bhilwara Homeopathic Hospital and doctor has advised not to take the long journey, hence cannot attend for duty and prayed for the extension of 10 days half pay leaves and 10 days earned leaves, which is corroborated by PW1/Ex. P2 whereas on 18.10.2016 and 22.10.2016 the charged member attended the Maa Gayatri Prakritik Chikitsa Sewa Kendra for treatment, in which doctor advised only for treatment, no medicine or bed rest advised, which is proved by CWI/Ex.C19 and C20. On 25.10.2016 he attended Bhilwara Ayurvedic Hospital where he was and in the same hospital he got medicine, which is corroborated by CWI/ Ex.C22 and G24, hence on 23.10.2016 he informed wrongly in the Oil Unit that he was advised by doctor not take long journey, hence unable to come on duty and his 10 days half pay leaves and 10 days earned leave be extended, prayed which is proved by DW1 and DW1/Ex. P2 whereas the rest to him was advised since 25.10.2016, which is corroborated by CWI/ Ex. 022 and 024, hence, it



seems by it that the charged member has already decided not to attend the duty.

e. The charged member during his leaves visited Maa Gayatri Prakritik Chiktsha Sewa Kendra for treatment on dated 15.10.2016 and 22.10.2016, where he was advised only for treatment, no medicine was given or advised, which is corroborated by OW1/Ext 018 and Ext-020 and all of sudden on 25.10.2016 he was admitted for bed rest for 15 days since 25.10.2016 to 08.11.2016 by the doctors of Bhilwara Ayurvedic Hospital and was extended further and advised necessarily to avoid duty which is corroborated by CW1/Ext. C-22, C- 24, CW-2/Ext. C-5 and C6, in the: meanwhile on 27.10.2016 the charged member gets medicine of stomach pain from M.K. Gandhi District Hospital, Bhilwara, which is corroborated by CW1/Ex. C25 and on 03.11.2016 again gets medicine from M. K Gandhi Hospital, Bhilwara, which is proved by CW1/ Ext. 026 which seems doubtful. If the charged member would have been effect by serious ailment from previous time, he wanted take medicine and could have not taken treatment only and the doctor would have advised for bed rest on previous time. It seems by his step of the charged member that he got the bed rest since 25.10.2016 from the doctor intentionally not to attend the duty or he avoid duty.

f. When the charged member was getting the treatment for kidney stone in Bhilwara Ayurvedic Hospital and the doctor was advising him to take medicines that for detection of stone in Kidney he would have got the ultrasound test but the charged member has not submitted any ultra sound report though for the same he was being treated from previous time, which is doubtful.

g. On being absent to appear in Unit on 25.10.2016 of charged member in unit for duty, call up letter No. 1653 dated 24.10.2016, call up letter No.1701 dated



11.11.2016, call up letter No. 1760 dated 22.11.2016 were dispatched from the Unit office which are proved by CW2/ Ext. C1, C2, C3 and charged member has accepted their receipt to him by post and he posted the response of all the call up letters along with medical papers sent to Unit Oil, Duliajan, but the charged member did not forged for extension of leaves, only in his letter dated 23.11.2016 mention that he is advised on rest till 07.11.2016 and he is unable to attend the unit for duty which is corroborated by CW2/Ex. 04, which shows that the charged member pre-decided not to appear in time in unit for duty.

h. The charged member in his written statement stated that he got booked on 02.12.2016 the advance flight ticket for 16.12.2016, from Delhi to Dibrugarh, then as to why and when the treatment of charged member was in continuance, then for what he got on 02.12.2016 the advance ticket for 16.12.2016 from Delhi to Dibrugarh. How he guessed that he would be fit till 16.12.2016 and the statement of charged member that he never had been the human anatomy student and he was taught in service in Central Industrial Security Force the Central Industrial Security Force Rules 2001, Indian Constitution, Indian Penal Code, Indian Procedure code and knowledge of arms but no information about human anatomy, hence, sir, being troubled because of excessive pain body took the medicine advised by nearest Government District Hospital's Senior Medical Officer and was trying to get soon well for attending to resuming his duties when doctor advised that after consuming the medicine for such period, he shall be fit to attend the duty, then he got booked the flight ticket, is not true and it seems that the charged member has predecided to attend on dated 17.12.2016 the duty and he remained on excess stay then the permitted one. The statement of charged



member that, sir, the doctor can fix the date of birth of newly born child in ordinary course, observing and can fix the approximate time of death of a dead person and in the same way the Estate Officer under you fix the approximate duration of certain properties hence when my doctor fixed the approximate date of my being well, then where is he liable, is not acceptable because he himself has informed that his treatment was in continuous since previous time, than as per his above mention argument, he must have mention the same in his letter send to oil unit. That he shall appear on duty after getting fit, further of the charged member wanted to appear on duty on being fit, certainly he would have got the flight ticket in advance for 25.10.2016 for duty in unit and would produce the advance got ticket to attend his duty in unit during the enquiry, which itself shows that the charged member had pre-decided not to attend the duty on the stipulated time and to remain on excess stay then permitted.

i. The medical officer of Rajkiya District Ayurvedic Hospital, Bhilwara and advised to remain on rest on 25.10.2016 since 25.10.2016 to 08.11.2016 for 15 days, since dated 09.11.2016 to 15.11.2016 for 07 days, since dated 07.12.2016 for 15 days and not to join the duty in his being fit for the same which is proved by CW1/Exe. C-22, C-24, CW-2/ Ex.C6, Ext.C6 but the charged member did not submit any medical certificate rest since 01.12.2016 therefore 16.12.2016 relating to be on rest since 07.12.2016 to 16.12.2016. In addition to it from the statement of CW2 / Ext. C16 it is also prayed that on the OPD Slip of District Ayurvedic Hospital only for two time for 7 days rest has been extended and that doctor has neither advised any new advise or new advise if the ailment of the charged member was so much serious and his mentioned rest was extending again and again; on times, than why the medicine or



treatment was not informed to him, so that he could be fit as early. From the above mention facts the doubt occurs in his ailment seriousness.

j. The charged member submitted the papers of various treatment taken in various hospitals (Maa Gayatri Hospital, Prakritik Chikitshalya Bhilwara, M. K. Gandhi Hospital, Bhilwara) during his OSL, which is proved by CW1/Ext. C-18, C-20, C-22 and C-25, which creates doubts in the seriousness of his ailments.”

(Emphasis supplied)

8. The petitioner was unauthorisedly absent for 53 days and the charge of dereliction of duty, has to be read in the context of the findings of the enquiry officer which we have reproduced above.

9. Having noted the aforesaid conclusion of the Enquiry Officer proving the charges against the petitioner, which resulted in the order of the Disciplinary Authority, Appellate Authority and the Revisional Authority; and the fact that the DG, CISF has taken a compassionate view of the matter and imposed a penalty of censure on the petitioner, which is the lowest of the minor penalties, surely, the said penalty is justified. It is not the case of the petitioner that the findings of the Enquiry Office are perverse. In the facts of this case, we are of the view that the impugned order of the DG, CISF ought not to be interfered with.

10. Finding no merit in the writ petition, the petition along with pending application is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 13, 2026/sr