

**Book No.**

**RESTRICTED**

**COMPENDIUM OF JUDGMENT ORDERS**

**VOL.III**



**Central Industrial Security Force**

**L&R BRANCH**

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SN-1	The Court does not sit in appeal to pass an order in the manner of an Appellate Authority in the matter of departmental proceeding
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. WP(S) No.1508 of 2006</p> <p>B. High Court of Jharkhand at Ranchi</p> <p>C. Rajesh Kumar Singh Vs UOI &amp; Others</p> <p>D. 28.01.2013</p>	<p>The Petitioner was dealt under rule 36 of CISF Rules 2001 as he was failed the prevent coal theft during his duty hrs. After duly conducted enquiry he was awarded the penalty of “Reduction of pay by two stages in the time scale for the period of four years with direction that during the period of reduction he will earn the increments of pay and also on expiry of that reduction will not have the effect of postponing his future increments of pay”</p> <p>On appeal, the Appellate authority had proposed for enhancement of penalty from above penalty to that of ‘Removal from Service’. The petitioner had not given reply to the above proposal.</p> <p>However, the Appellate Authority has taken a lenient view considering the young age and future service carrier of the petitioner withdrawn the proposal to enhance the quantum of punishment and confirmed the punishment awarded by the Disciplinary Authority.</p> <p>Further, appeal preferred by the petitioner was considered and rejected. Without exhausting departmental remedy i.e. Revision Petition he filed WP before the Hon’ble High Court of Kharkhand at Ranch.</p> <p>The Hon’ble Court noted that “<i>The Court does not sit in appeal to pass an order in the manner of an Appellate Authority in the matter of departmental proceeding</i>” and dismiss the WP.</p>

SN-2	Writ jurisdiction under Article 226 of the Constitution of India should not be allowed to be invoked to cover up the delay in not availing the provision of any statutory appeal.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
A. WP No. 7958/2010 B. Calcutta High Court C. Pawan Kumar Vs UOI and others D. 07.09.2012	<p>The Petitioner was under rule 36 of CISF Rules 2001 as he failed to prevent the theft of Management property worth Rs.18,000/-</p> <p>He was awarded the penalty of 'Reduction of pay to minimum stage'.</p> <p>He did not avail the alternative remedy ie. Appeal and Revision Petition and filed WP in Calcutta High Court.</p> <p>The Hon'ble Court dismissed the writ and held that-</p> <p>Writ jurisdiction under Article 226 of the Constitution of India should not be allowed to be invoked to cover up the delay in not availing the provision of any statutory appeal.</p>

SN-3	Power under article 226 is not to be exercised for re-appreciating the evidence taken down in the inquiry and recording independent findings.... It is not for the court to substitute its findings for those of the officer.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. Writ Petition No.14906/2012</p> <p>B. Calcutta High Court</p> <p>C. M.s.IOKHAN DDE Vs UOI &amp; Ors</p> <p>D. 30.11.2012</p>	<p>The petitioner was awarded the penalty of Compulsory retirement on the charges that (i) He unauthorisedly entered inside the plant in odd hours' in suspicious manner and pelted store on duty personnel when challenged by them (ii) He is a habitual offender</p> <p>Appeal and Revision Petition preferred by him were considered and rejected.</p> <p>WP filed in Calcutta High Court was dismissed on merit and held that penalty inflicted by the disciplinary authority was just and proportionate to the gravity of the proven misconduct.</p> <p>The Hon'ble Court clarified that "Power under article 226 is not to be exercised for re-appreciating the evidence taken down in the inquiry and recording independent findings on the question whether the petitioner unauthorisedly entered the plant as alleged in the article of charge.I. There is no reason to hold that the findings of the officer conducting the inquiry are perverse or based on no evidence. It is not for this court to substitute its findings for those of the officer.</p>

SN-04	Normally, the punishment imposed by disciplinary authority should not be disturbed by high court or tribunal
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. WP No. 291/2001</p> <p>B. Guwahati High Court</p> <p>C. Narayan Chandra Dey Vs UOI and others</p> <p>D. 23.11.2012</p>	<p>The Petitioner while discharging his duties at Korba, he had beaten up one of his superior officer, namely Mhavir Singh, Sub-Inspector.</p> <p>After duly conducted enquiry he was awarded the penalty of ‘Dismissal from Service’.</p> <p>His appeal against above penalty was considered and rejected.</p> <p>He had filed instant WP.</p> <p>The Hon’ble High Court relied upon the decision of Apex Court in DG, RPF V. Ch. Sai Babu, (2003) 4 SCC 331 dismiss the writ petition being devoid of merit by mentioning that this Court exercising its limited power of judicial review, particularly when admittedly this Court is not sitting on appeal.</p> <p>In DG, RPF V. Ch. Sai Babu, (2003) 4 SCC 331 the Apex Court has held that <i>“Normally, the punishment imposed by disciplinary authority should not be disturbed by high court or tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly of shockingly disproportionate, after examining all the relevant factors including nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of and discipline required to be maintained, and the department/establishment in which the concerned delinquent person works.”</i></p>

SN-05	If the orders of disciplinary authorities are set aside on the ground of faulty enquiry, the matter should be referred to the authorities back for proceeding afresh instead of directing reinstatement with continuity and full back wages.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. RCA NO.04/2011 B. District Judge Tis Hazari Court, Delhi C. UOI Vs Joginder Singh D. 30.10.2012</p>	<p>Ex. Const. Joginder Singh, while posted at CTPS (DVC) Chanderpura, was dealt U/R 34 of CISF Rules, 1969 for desertion from Unit lines on 11.1.90 without permission from the competent authority. He was awarded the penalty of removed from service vide order 31.12.90 issued by Comdt. CTPC Chandrapura However, on appeal penalty of “Removal from service” was modified to that of reduction of pay to the minimum stage for a period of three years” with direction to report at CISF Unit OIL Duliajan for reinstatement.</p> <p>The Petitioner has not accepted above reinstatement order and filed Suit in Tis Hazari Court Delhi. The Suit was allowed in favour of plaintiff with direction to re-instate the petitioner in service with back wages and to award minor penalty vide J.O. order dt. 22.01.2011. An appeal bearing RCA No. 4/2011 was filed before the Addl. District Judge, Tis Hazari Courts, Delhi.</p> <p>The Hon’be District Judge quash the order passed by Single Judge and relied upon the order of Apex Court in Director (Mkt.), Indian Oil Corpn. Ltd. V.Santosh Kumar, 2006 (11) SCC 147 allowed the appeal and held that trial court acted in highly perverse manner and decreed the suit against all canon of justice.</p> <p>In above decision of Apex Court held that – The disciplinary as well as the appellate authority in departmental proceedings are required to pass well reasoned speaking order- However, if the orders of disciplinary authorities are set aside on that ground, the matter should be referred to the authorities back for proceeding afresh instead of directing reinstatement with continuity and full back wages.</p>

SN-06	Territorial Jurisdiction. – The WP can not be entertained merely on the ground that the same has been admitted or pending since long.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. C.M.No. 12167 of 2012 in CWP No. 15048 of 2001</p> <p>B. High Court of Punjab and Haryana</p> <p>C. Ex-Const. Mukhwinder Singh Vs UOI &amp; Ors</p> <p>Nand Lal Khatana Vs UOI &amp; Ors</p> <p>Jaiwinder Singh Vs UOI &amp; Ors.</p> <p>D. 16.01.2013</p>	<p>The petitioner (Ex-Const. Mukhwinder Singh ) was dismissed by the Gp. Commandant , Gp. HQrds Patna. The appeal was dismissed by the DIG EZ Patna. The appeal order was served on the petitioner at District Hoshiarpur, Punjab.</p> <p>Against the above orders the petitioner had filed WP in the Hon’ble Punjab and Haryana High Court.</p> <p>The Hon’ble Punjab and Haryana High Court relied upon its decisions in the matter of M.M.Thapar Vs Union of India and others (decided on 13.10.2010 and 12.08.2011) dismiss the writ petition on the ground that this Court does not have the jurisdiction to entertain writ petition. The Hon’ble Court made it clear that-</p> <p>“ The contention of the counsel for the petitioner that the writ petitions of the petitioners stand admitted and are pending in this Court for a long time and at this stage, relegating them to the Court of competent jurisdiction would be against the interest of justice, cannot be accepted in the light of the fact that this Court does not have the jurisdiction to entertain these writ petitions.”</p> <p>The Hon’ble High Court relied upon the decision of Apex Court in <i>M/s Kusum ingots and Alloys Ltd. Vs UOI and another, AIR 2004 SC 2321</i> with regards to territorial jurisdiction of the High Court to entertain WPs.</p>

SN-7	Timely substitution of legal heirs is necessary.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. Special Civil Application No.22872 of 2006</p> <p>B. High Court of Gujarat at Ahmedabad</p> <p>C. Joseph Chellaiah A vs DG/CISF and Ors.</p> <p>D. 08.02.2013</p>	<p>After filing Special Civil Application the petitioner was expired. Therefore, an order was passed on 08.11.2011 to enable the counsel for the petitioner to take instructions, failing which the petition will abate.</p> <p>About more than one year have passed learned counsel for the petitioner could not seek any instructions.</p> <p>The Hon'ble Court dismissed the Special Civil Application as abated due to non-substitution of heirs of the petitioner.</p>

SN-8	One purpose of a penalty is to made the wrong doers realize that in future he should not indulge in similar conduct.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
A. WP No. 5763/2000 B. Delhi High Court C. Brij Pal Singh Vs UOI & Ors D. 20.11.2012	<p>The petitioner was dealt departmentally for the charge of using insulting, uncivilized and threatening language against one lady Sub Inspector on being detailed for second shift night duty and in the past the petitioner was awarded punishment thrice. Once for over-staying leave and twice for misbehaving with senior officers.</p> <p>He was awarded the penalty of ‘Dismissal from Service’.</p> <p>The Hon’ble Court held that –</p> <p><i>“Keeping in view that in the past there were two instances where the petitioner had acted with insubordination but was levied the penalty of censure, would justify the instant penalty inasmuch as the soft penalties levied in the past did not have the desired effect. It is treat that One purpose of a penalty is to made the wrong doers realize that in future he should not indulge in similar conduct.”</i></p>

SN-9	UNDER RULE 48-A OF CCS PENSION RULES 1972 A GOVT. SERVANT CAN RETIRE VOLUNTARY FROM SERVICE ONLY AFTER COMPLETION OF 20 YRS OF COMPLETED SERVICE.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. WP No. 1292/2012</p> <p>B. Delhi High Court</p> <p>C. Rasil Chand Vs UOI &amp; ors</p> <p>D. 19.11.2012</p>	<p>The petitioner is an Ex-Servicemen was appointed in CISF as HC/GD(Ex-Army). After completing of 11 yrs 05 months and 27 days service in CISF he had applied for voluntary retirement from service. His VRS was provisionally accepted erroneously wef 31.01.08 and his case was forwarded to RPAO Ranchi for grant of pension.</p> <p>The RPAO Ranch returned the case with observation that under Rule 48-A of CCS Pension Rules 1972 a Govt. Servant can retire voluntary from service only after completion of 20 yrs of completed service. Accordingly, the order of Vol. Retirement was cancelled and petitioner was informed.</p> <p>Subsequently, the petitioner had submitted resignation which was accepted by the Unit Commander and paid his admissible dues. However, the petitioner had filed instant CWP in Delhi High Court for non grant of Pension.</p> <p>The Hon'ble Court held that <i>petitioner cannot claim entitlement to pension on the basis of the service rendered by him on reemployment with CISF</i> and dismiss the WP devoid of merit.</p>

SN-10	Rule 56 (j) of Fundamental Rules
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. WP NO. 1290/2012</p> <p>B. Delhi High Court</p> <p>C. Jagga Singh Vs UOI &amp; others</p> <p>D. 19.11.2012</p>	<p>After completion of 30 years of qualifying service, case in respect of the petitioner was considered to assess his suitability or otherwise for his retention in service beyond the age of 55 years or completion of 30 years of qualifying service which ever is earlier. He was declared him "UNFIT". In exercise of powers conferred under FR 56 (j) an order dated 17.03.2011 retiring the Petitioner from service with effect from 17.03.2011/AN in public interest was issued on completion of his 30 years of qualifying service.</p> <p>The representation filed against the above orders was considered and rejected. He challenged the above orders by filing WP in Delh High Court. The Hon'ble Court dismiss the Writ Petition by clarifying that-</p> <p>A major punishment was imposed on him in the year 2009 on an act of corruption, which is not acceptable in the Force, which is an Armed Force of the Union. A minor punishment was imposed in the year 2010 as he was found to have committed an act of assault on a civilian and highly unbecoming of a personal of the uniformed Force of the Union.</p> <p>The action of the respondents in the instant case is based on the jurisdiction conferred under the said Rule i.e. Rule 56(j). The respondents have taken action in public interest. The stand of the respondents has not been disputed by the petitioner who has filed no rejoinder as well.</p> <p>In this background, no fault can be found in the action of the respondents after giving payment by the respondent pursuant to the impugned order. The payment was accepted without any objection.</p>

SN-11	The excess payment made due to wrong/irregular pay fixation can always be recovered.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. CWP No. 16463 of 2012</p> <p>B. In the High Court of Punjab and Haryana at Chandigarh</p> <p>C. Lokesh Sahal Nag Vs UOI and others</p> <p>D. 27.08.2012</p>	<p>The Petitioner was paid HRA and license fee by the respondents, despite there being an order cancelling the permission.</p> <p>However when order was issued regarding recovery of over payment of HRA and license fee from the petitioner in sixteen instalments, the petitioner filed instant WP in the Hon'ble High Court of Punjab and Harya at Chandigarh.</p> <p>The Hon'ble High Court relied upon the decision of Apex Court in Civil Appeal No. 5899 of 2012 titled as Chandi Prasad Uniyal and others Versus State of Uttarakhand and others, decided on 17.08.2012 wherein it has been clarified that <i>“Any amount paid/received without authority of law can always be recovered barring few exceptions of extreme hardships but not as a matter of right” dismiss the WP and held that the recovery, which is being effected from the petitioner, also is quite reasonable and does not call for any interference by this Court.</i></p>

SN-12	Suppression of facts about pending criminal case in Attestation form. If the declaration turns to be incorrect, the candidature and appointment are liable to be nullified.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. WP No. 6820/2010</p> <p>B. Kerala High Court</p> <p>C. Udheesh Kumar P. Vs UOI &amp; others</p> <p>D. 25.09.2012</p>	<p>The petitioner was selected as Constable in CISF. The petitioner had not disclose pendency of the criminal case registered against him as Crime No.112/2009 involving offences under sections 143, 147,148,341,326 r/w 149 IPC in attestation form and Questionnaire.</p> <p>He was not permitted to join in CISF.</p> <p>He filed writ petition.</p> <p>The Learned Asstt. Solicitor General appearing for the respondents submitted that the petitioner had consciously answered the questions in the above Forms, giving a totally distorted version, suppressing pendency of the criminal case against him and that, by virtue of declaration given by the petitioner in the above proceedings, if the declaration turns to be incorrect, the candidature and appointment are liable to be nullified. Further, the petitioner has not chosen to file any reply affidavit.</p> <p>The Hon'ble Court held that there absolutely no merit in the writ petition. Interference was declined and the writ petition was dismissed.</p>

SN-13	Trial court may acted in highly perverse manner and decreed the suit against all cannon of justice. In Para Military Forces the whole edifice of command structure rests on the principles that a junior respects his senior and obeys his lawful command.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. Appeal NO.53/201</p> <p>B. In the Court of District Judge: Delhi</p> <p>C. UOI Vs Mahak Singh Rana</p> <p>D. 26.11.2012</p>	<p>Ex-Constable Mahak Singh Rana of CISF was dealt under rule – 34 of CISF Rule 1969 04 charges. One serious charge was that he entered into the room of SI/Exe with his rifle with an intention to shoot and kill him on the night of 10/11.04.1989. After duly conducted Departmental Enquiry, he was awarded the penalty of “Removal from Service” vide order dated 16.08.1989. His appeal was rejected by DIG BCCL Dhanbad.</p> <p>The Suit filed in Tis Hazari Courts Delhi against the above penalty was allowed by Ld. Sr. Civil Judge cum Rent Controller (Central), Delhi and the order of dismissal dated 16.08.1989 was declared null and void and set-aside with direction to reinstate the petitioner in service alongwith all consequential benefits including the right of promotion till his death vide J.O. dt. 30.07.2011 mainly on the ground that punishment awarded to the plaintiff is disproportionate to the gravity of the allegation.</p> <p>An appeal was filed against the above J.O. relied upon following decision of Apex court: (1) UOI Vs Narayan Singh, Scale 2002 (525), has also held that it is not for the court to decide the quantum of punishment. (i) Regional Manager, UP, SRTC, Itwaha Vs Hoti Lal and other, 2003(2) Scale and the Chairman and Managing Director, United Commercial Bank Vs P.C. Kakkar, 2003(ii) UOI Vs G. Ganaytham 1997 (7) SC 4630 (iii) B.C. Chaturvedi Vs UOI 1996 SC 484 stipulating that doctrine of proportion is to be decided on principle akin to</p>

	<p>doctrine of WEDNESBURY's unreasonableness. Unless it is held that punishment imposed upon delinquent is so irrational as to shock the conscience and no reasonable man while exercising this power would impose the same.</p> <p>The appeal filed by department on the above grounds was not only allowed by the Addl. District Judge but set aside the decree granted by the trial court vide J.O. dt. 26.11.2012 with adverse remarks that trial court acted in highly perverse manner and decreed the suit against all cannon of justice.</p>
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SN-14	Habitual offender in Paramilitary Forces sets a bad example and does not deserve any indulgence under the equitable jurisdiction of Article 226 of the Constitution of India.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. WP –A No. 35551 of 2008</p> <p>B. Allahabad High Court</p> <p>C. Piyush Rai Vs UOI and others</p> <p>D. 21.11.2012</p>	<p>The petitioner was working as a Constable in the Central Industrial Security Force. In an domestic enquiry initiated against the petitioner, three charges were levelled against him. Two with regard to desertion of duty and refusing to accept the rejection order and the third charge with respect to his repeated misconduct without mending his ways.</p> <p>After duly conducted enquiry he was awarded the punishment of dismissal from service, which was upheld in appeal, but the revising authority modified the punishment to that of removal from service. He moved Allahabad High Court by way of filing instant writ.</p> <p>The Hon'ble Court noted that</p> <p>It is worthy of note that the petitioner had been punished 15 times, including for absence from duty and he was earlier also removed from service on 16.1.1999, but the appellate authority gave him one more opportunity to improve his conduct and converted the punishment to reduction to the minimum of the scale vide order dated 10.9.1999. Such a person in Paramilitary Forces sets a bad example and does not deserve any indulgence under the equitable jurisdiction of Article 226 of the Constitution of India. For the reasons above, this is not a fit case for interference under Article 226 of the Constitution of India. Rejected.</p>

SN-15	Indulging of a member of a discipline force in act of moral turpitude in misbehaving with a married lady teacher is a most reprehensible conduct and penalty of 'Removal from Service' is not disproportionate in such act.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
A. WP No. 17281/2011 B. Calcutta High Court C. Mukesh Kumar Tiwari Vs UOI & Ors D. 19.10.2012	<p>The Petitioner was dealt under rule 36 of CISF Rules 2001 for the charges that found absent from duty and he snatched away the mobile phone from lady teacher. Harassed the teacher on the way of her school and by visiting her parent's house and given life threat.</p> <p>He was awarded the penalty of 'Removal from Service'</p> <p>The Hon'ble Court dismissed the WP and not accept the submission of the learned lawyer for the petitioner that the punishment of removal from service is disproportionately high in the facts of the case.</p> <p>The Hon'ble Court made it clear that <i>"The disciplinary authority as well as the appellate authority have come to a conclusion that the misconduct of the petitioner was not only restricted to absenteeism from duty but also involved acts of moral turpitude in misbehaving with a married lady an causing disturbance at the residence of a married couple. Such conduct is most reprehensible when the same comes from a member of a disciplined force."</i></p>

SN-16	Misbehave and manhandling with fellow employee.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. WP No.4015/2012 B. Calcutta High Court C. B.C.Patwari Vs UOI and others D. 08.10.2012</p>	<p>Head Constable B.C.Patwari was dealt u/r-36 for the charge that, he hit with a stick to HC/GD N.Ahmed and used filthy language.</p> <p>He was awarded the penalty of “Reduction of pay by one stage for one year without cumulative effect. However, on appeal the penalty was modified to that of “Withholding of one increment for one year which will not postpone his future increments of pay.</p> <p>A WP was filed in Calcutta High Court. Learned counsel for the petitioner submits that the matter was settled amicably in the Police station. There is no scope for framing charges and /or proceeding with the same.</p> <p>Court did not find any illegality in such imposition of penalty. The Court noted that charges were framed by the respondent authorities against the writ petitioner and he was given sufficient opportunity to represent his case and they decided the case in accordance with law.</p>

SN-17	The act of Misbehave, manhandling with fellow employee and try to snatch the rifle is highly indiscipline and indecency.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. WP No.126/2000 B. Delhi High Court C. Taj Pal Singh Vs UOI and others D. 05.12.2012</p>	<p>The petitioner was dealt under rule 34 if CISF Rules 1969 for the following charges:</p> <ul style="list-style-type: none"> <li>i) For his repeatedly unauthorised visiting the family quarter of Lady Constable Anita Devi at odd hourse.</li> <li>ii) Entering into the office of the Coy Commander Inspector M.S.Sahi and misbehaving him on 19.2.98 and</li> <li>iii) Attempting for assault on Const. Jarnail Singh and attempt to snatch rifle from Constable Ram Singh Jalal and threatening them and others of dire consequences.</li> </ul> <p>During enquiry above charges were proved. He was awarded the penalty of 'Dismissal from Service' vide order dt. 24.10.98. Appeal preferred by him was considered and rejected by the Appellate authority vide order dt. 22.3.1999.</p> <p>He had filed instant WP in Delhi High Court.</p> <p>The Hon'ble High Court dismiss the Writ mainly on the ground that petitioner has totally failed to demolish the case of prosecution as the Enquiry Officer has given his report after having considered the evidence as well as the conduct of the petitioner.</p>

SN-18	Misbehaviour on duty under the influence of liquor <i>is a case of serious misconduct in a disciplined Armed Force i.e. CISF</i>
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
A. CWJC NO. 6233/1999 (P) B. Jharkhand High Court Ranchi C. Ex-Const. L.N.Singh D. Vs UOI and others E. 07.02.2013	<p>The Petitioner was awarded the penalty of “Removal from Service” for the charge of (i) misbehaviour on duty under the influence of liquor and (ii) he is a habitual offender of committing various misconduct during his service for which he has been awarded seven punishments in the past and is incorrigible. His appeal was also considered and rejected.</p> <p>He filed writ in the year 1999 in the Hon’ble Jharkhand High Court. The Hon’ble Court dismissed the writ and held that-</p> <p><i>“ The charge of misbehaviour on duty under the influence of liquor was held to be established and the impugned orders have been passed. It is the case of serious misconduct in a disciplined Armed Force i.e. CISF and in these circumstances, in view of the settled law laid down by the Hon’ble Supreme Court, so far as the member constituting the Armed Force are concerned, the action of the Respondents in removing the petitioner does not appear to be disproportionate to the nature of office.”</i></p>

SN-19	Absent from duty without permission is a gross misconduct
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
A. CWJC No. 23483/2011 B. Patna High Court C. Madhu Kumar Vs UOI & ors D. 11.01.13	<p>The petitioner was dealt U/R-36 for AWL for 76 days.</p> <p>She was awarded the penalty of 'Removal from Service'.</p> <p>The Hon'ble Court dismissed the writ and held that-</p> <p><i>“ Prior to the present disciplinary proceeding she was subjected to disciplinary proceeding twice earlier for similar charges, where minor punishment were awarded to the petitioner, but she has filed to improve her conduct. Taking into consideration the gravity of charges, the quantum of punishment awarded to the petitioner cannot be said to be excessive in the factual background of the case. This court does not find any scope for interference while exercising the powers of judicial review under Article 226 of the Constitution of India.”</i></p>

SN-20	“Removal from service is itself lighter punishment that disqualification from the future employment in the Government.
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A. Case No. B. Court C. Parties D.Dt. of J.O.	Gist of the case/Judgment.
<p>A. Civil Writ Petition NO. 8280 of 2011.</p> <p>B. In the High Court of Judicature at Bombay (Appellate side)</p> <p>C. Naresh Kumar Vs Vs UOI and others</p> <p>D. 12.12.2012</p>	<p>The Petitioner was awarded the penalty of “Removal from Service”.</p> <p>The Hon,ble Court held that –</p> <p>“While examining Charge NO. 1 about non disclosure of the registration of criminal case against the Petitioner for a serious offence such as Section 302 of the India Penal Code, until the Department started proceeding against the Petitioner. Even the second Charge has been proved against the Petitioner, which is for delay and negligence in resuming the duties in spite of being acquitted and released from Jail on 15<sup>th</sup> January, 2010, till 21 January, 2010. No interference with regard to the said conclusion is warranted. Suffice it to observe that the acts of commission and omission of the Petitioner being serious one and the Petitioner being member of the Disciplinary Force, those acts cannot be lightly viewed and the punishment imposed is just and proper. “</p> <p>The Hon’ble Court dismiss the WP and agreed that “Removal from service is itself lighter punishment that disqualification from the future employment in the Government.</p>