



2026:CGHC:34495



CGHC010118342023



2026:CGHC:34495

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2362 of 2023

Kumar Gourav S/o Shri Siyaram Aged About 34 Years Sub Inspector/
Work, CISF Unit, B.S.P. Bhilai R/o CISF Unit B.S.P. Bhilai District Durg
Chhattisgarh

... Petitioner

versus

**1 - Director General Central Industrial Security Force, Headquarter
Block No. 13, C.G.O. Complex Lodhiroad New Delhi**

**2 – Inspector General Central Industrial Security Force, Central Zone
Headquarter Bhilai District Durg Chhattisgarh**

**3 - Deputy Inspector General Central Industrial Security Unit
B.S.P.Bhilai, Headquarter Bhilai, District Durg Chhattisgarh**

**4 - Commandant Central Industrial Security Force Unit B.S.P.Bhilai
District Durg Chhattisgarh**

**5 - Deputy Commandant/Appellate Authority, Central Industrial Security
Force, Unit B S P Bhilai District Durg Chhattisgarh**



6 - Assistant Commandant Central Industrial Security Force, B.S.P
Bhilai District Durg Chhattisgarh

... Respondents

For Petitioner	: Ms. Preeti Narwani, Advocate on behalf of Mr. Abdul Wahab Khan, Advocate.
For Respondents	: Mr. Ramakant Mishra, DSGI with Mr. Abhishek Banjare, CGC.

Hon'ble Shri Justice Naresh Kumar Chandravanshi, J

Order on Board

(06th August, 2026)

Challenge in this petition is to the final order dated 26.10.2022 (Annexure P/1) whereby the petitioner has been inflicted penalty of withholding of one increment for a period of one year without cumulative effect under Rule 34(IX) of Central Industrial Security Force Rules, 2001 (in short "CISF Rules, 2001"). He has also challenged the appellate order dated 25.1.2023 (Annexure P/2) and the revisional order dated 25.3.2023 (Annexure P/3) whereby his appeal and the revision have been rejected.

2. Facts of the case, in brief, are that at the fateful time, the petitioner was posted as Sub Inspector, Force No. 120208430, CISF Unit BSP Bhilai. It is alleged that on 02.08.2022, through his personal email ID kumar623@hotmail.com, he directly requested NIC to reactivate his NIC email ID kg.120208430@cisf.gov.in without adopting the departmental procedure. At the same time, on that very day, in



violation of the prescribed procedure for filing a complaint against Inspector/GD Pankaj posted in the EDP Cell, he directly sent a message to the email ID aigtech@cisf.gov.in of the Assistant Inspector General/Technical, CISF Headquarters, New Delhi, for reactivation of his NIC email ID kg.120208430@cisf.gov.in. Despite being directed by the EDP Cell, CISF Headquarters, New Delhi on 02.08.2022 to adopt the prescribed procedure for correspondence for reactivation of his NIC email ID, the force member/petitioner, in disrespect and defiance of the Headquarters' directions, again on 03.08.2022 sent a disrespectful message directly to the NIC email ID through his personal email ID kumar623@hotmail.com. Further, on 10.08.2022, the petitioner submitted an application addressed to the Director General for reactivation of his NIC email ID kg.120208430@cisf.gov.in without following the proper channel. Therefore, after conducting a preliminary enquiry, he was inflicted penalty as has been mentioned in the opening paragraph of this order. The petitioner then preferred an appeal and thereafter a revision which have been rejected by the respondent authorities. Hence this petition.

3. Learned counsel for the petitioner would submit that the charges leveled against the petitioner are totally baseless and he has not committed any such act. In fact, the said act was committed inadvertently and he had no intention at all to commit any disrespect to his senior officials. The entire ex parte enquiry proceedings conducted against the petitioner is against the CISF Rules, 2001 and without



there being sufficient evidence, he has been inflicted the penalty of withholding one increment. She further submits that without considering the aforesaid aspect of the matter, the appeal as well as the revision of the petitioner has been rejected by the respondent authorities which is not sustainable in the eye of law. Hence she prays that the petition may be allowed and the relief sought for by the petitioner may be granted.

4. The respondents have filed their reply. Learned counsel appearing for the respondents, referring to its reply, would submit that the complaint was received from CISF Headquarters, New Delhi against the petitioner vide letter no. (37726)-E dated 12.08.2022 (Annexure R/1) that NIC vide its mail dated 31.07.2022, intimated about mail id kg.120208430.cisf.gov.in, belonging to the petitioner whose originating access was outside India. As per NIC policy, outside India access is restricted and concerned department's delegated Admin is intimated alongwith request for confirmation. Hence, the email received from NIC was forwarded to CISF Unit BSP Bhilai and also the individual i.e. the petitioner was contacted over telephone and enquired about use of NIC mail id. The petitioner replied that he didn't login into NIC mail. After confirming the same from the petitioner, his NIC mail id was de-activated citing security concern and the same was intimated to the parent Unit of the petitioner i.e. CISF Unit BSP Bhilai.



4.1 Learned counsel further submits that despite deactivated email ID of the petitioner, he through his personal e-mail id kumar623@hotmail.com, 02.08.2022 directly requested NIC to re-activate his NIC e-mail id kg.120208430@cisf.gov.in without adopting departmental/proper channel and simultaneously on the same day he submitted a complaint directly to the email ID aigtech@cisf.gov.in of Assistant Inspector General/Technical, CISF HQrs, New Delhi, against the Inspector/Exe Pankaj deployed at EDP Cell of CISF that he has deactivated his email ID kg.120208430@cisf.gov.in and requested to reactivate his mail id and thus violated the proper departmental channel. Therefore, a preliminary enquiry was initiated against the petitioner and after providing due opportunity of hearing, he has been inflicted penalty of withholding of one increment without cumulative effect for a period of one year under Rule 34(IX) of CISF Rules, 2001. Learned counsel would submit that since due opportunity of hearing has been afforded to the petitioner and the penalty imposed upon him is minor in nature, there was no need to conduct a full fledged departmental enquiry against him. Therefore, the instant petition being devoid of any substance is liable to be dismissed.

5. Heard learned counsel for the parties and perused the material available on record.

6. Admittedly, in the instant case, the petitioner has been inflicted penalty of withholding of one increment for a period of one year without



cumulative effect under Rule 34(IX) of the CISF Rules, 2001. Rule 37 of the CISF Rules, 2001 provides procedure for imposing minor penalty, which is reproduced as under:

“37. Procedure for imposing minor penalties. (1) No order imposing any of minor penalties specified in rule 34 shall be made except after-

(a) informing the enrolled member in writing of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he wishes to make against the proposal;

(b) holding an inquiry, if the disciplinary authority so desires, in the manner laid down in sub-rules (3) to (22) of rule 36;

(c) taking the representation, if any, submitted by the enrolled member under clause (a) and the record of inquiry, if any, held under clause (b) into consideration; and

(d) recording the findings on each imputation of misconduct or misbehaviour.

(2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the Government servant under clause (a) of that sub-rule to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the government servant or to withhold increments of pay for a period exceeding 3 years or to withhold increments of pay with cumulative effect for any period an inquiry shall be held in the manner laid down in sub-rules (3) to (22) of rule 36 before making any order imposing on the enrolled member of the Force any such penalty.



- (3) The records of the proceedings in such cases shall include -
- (i) a copy of the intimation to the enrolled member so charged of the proposal to take action against him;
 - (ii) a copy of the statement of imputation of misconduct or misbehaviour delivered to him;
 - (iii) his representation, if any;
 - (iv) the evidence produced during the enquiry, if any;
 - (v) the findings on each imputation of misconduct or misbehaviour; and
 - vi) the orders on the case together with the reasons therefor.”

7. It is a trite law that the High Court under Article 226 of the Constitution is not a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is not the function of the High Court under its writ jurisdiction to review the evidence, and arrive at an independent finding on the evidence. The High Court may, however, interfere where the departmental authority which has held the proceedings against the delinquent officer are inconsistent with the principles of natural justice, where the findings are based on no evidence, which may reasonably support the conclusion that the delinquent officer is guilty of the charge, or in violation of the statutory rules prescribing the mode of enquiry, or the authorities were actuated by some extraneous considerations and failed to reach a fair decision, or allowed themselves to be influenced by irrelevant



considerations, or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. If, however, the enquiry is properly held, the departmental authority is the sole judge of facts, and if there is some legal evidence on which the findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a writ petition.

8. In the instant case, it is not the case of the petitioner that he has not been informed about imputation of misconduct or misbehaviour on which enquiry was proposed to be taken or that reasonable opportunity of making representation has not been provided to him. Rather in reply filed by the respondents, it has been specifically mentioned that explanation of the petitioner was called vide letters dated 17.8.2022 and 23.8.2022 for the said indiscipline. The petitioner also submitted reply in response thereto in which he accepted his mistake. Thus, after completion of preliminary enquiry, the said minor penalty has been imposed upon the petitioner. The appellate as well as the revisional authorities also considering the act of the petitioner and overall material placed before them, dismissed the appeal and revision of the petitioner by passing a well reasoned detailed order. The petitioner has failed to point out any procedural illegality or violation of any rule of the CISF Rules, 2001 or principle of natural justice while conducting preliminary enquiry against him by the respondent authorities.



9. On the basis of aforesaid discussions, this Court finds no illegality or infirmity in the impugned orders (Annexures P/1, P/2 & P/3) requiring any interference by this Court. Accordingly, the instant petition being without any substance is hereby dismissed. No order as to cost(s).

10. Pending interlocutory application(s), if any, shall also stand disposed of.

**Sd/
(Naresh Kumar Chandravanshi)
Judge**

Khan