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W.A.No.3314 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM :

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A.No.3314 of 2025

and

C.M.P.No.27124 of 2025

1. Union of India
Represented by Secretary to the Government
Ministry of Home Affairs
New Delhi – 110 003.
2. The Director General
Central Industrial Security Force
CGO Complex, New Delhi.
3. The Inspector General
Central Industrial Security Force
Southern Sector, New War Memorial
Chennai-600 009.



W.A.No.3314 of 2025

WEB COPY

4. The Deputy Inspector General
Central Industrial Security Force
South Zone Head Quarters
Rajaji Bhawan, Besant Nagar, Chennai-600 090.

5. The Group Commandant
Central Industrial Security Force
Group Head Quarters, Cochin, Kerala State.

6. The Assistant Commandant
Central Industrial Security Force Unit
MRPL Mangalore – 574 030.

... Appellants

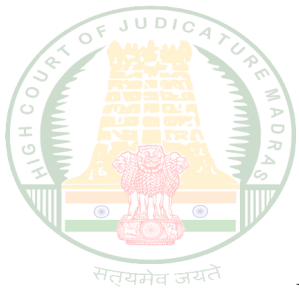
Vs.

H.K.Mohapatra
No.901405959 Constable
CISF Unit MRPL Mangalore – 575 030.

... Respondent

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of the Hon'ble Judge in W.P.No.32106 of 2015 dated 27.09.2024 and allow this writ appeal.



W.A.No.3314 of 2025

WEB COPY

For Appellants : Mr.V.Chandrasekaran

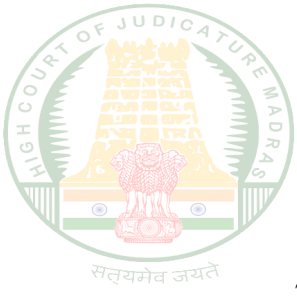
For Respondent : Mr.R.Thiagarajan

J U D G M E N T

(Made by HEMANT CHANDANGOUDAR, J.,)

This intra-Court appeal is directed against the order dated 27.09.2024 passed by the learned Single Judge in W.P. No. 32106 of 2025.

By the said order, the learned Single Judge set aside the punishment imposed on the respondent/writ petitioner reducing his pay by three stages from Rs.10,060 + Grade Pay Rs.2,800/- to Rs.8,980 + Grade Pay Rs.2,800/- in Pay Band-I (Rs.5,200–20,200) for a period of three years, as ordered by the Appellate Authority, and further modified the punishment to a reduction of pay by one stage with Grade Pay Rs.2,800/- in the same Pay Band for a period of three years.

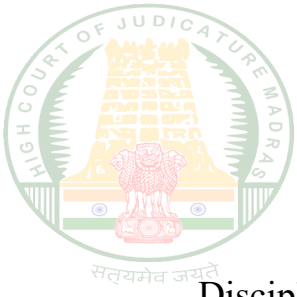


W.A.No.3314 of 2025

WEB COPY

2. The respondent/writ petitioner, while working as a Constable, was subjected to disciplinary proceedings by issuance of a memorandum of charge dated 09.03.2013, alleging that he attempted to conceal an amount of Rs.765/- in a black pouch kept beneath a stone. It was further alleged that, on noticing the inspection team, he did not permit them to recover the concealed money. Another allegation was that he was not permitted to carry an amount exceeding Rs.20/-, as per the instructions issued from time to time. The amount of Rs.765/- was treated as illegal gratification collected by him.

3. The explanation submitted by the respondent was not found satisfactory. After conducting an enquiry, the Enquiry Officer submitted a report holding that the charge stood proved. Upon consideration of the enquiry report and the further explanation of the respondent, the



W.A.No.3314 of 2025

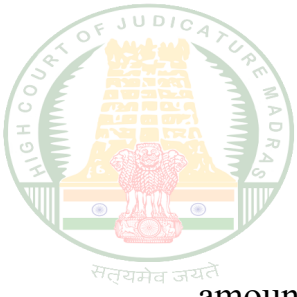
Disciplinary Authority imposed the punishment of compulsory retirement.

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In appeal, the Appellate Authority modified the punishment. Aggrieved by the same, the respondent approached this Court by filing W.P. No. 32106 of 2025. The learned Single Judge allowed the writ petition and modified the punishment. Aggrieved thereby, the appellants are before this Court by way of the present writ appeal.

4. Heard the learned counsel for the appellants and the learned counsel for the respondent.

5. The learned Single Judge, in the impugned order, observed that, in the absence of any denial, the respondent had in fact concealed the amount of Rs.765/- beneath a stone behind his place of work. On perusal of the statements of the witnesses examined during the enquiry, it was held that the finding of the Enquiry Officer regarding concealment of the

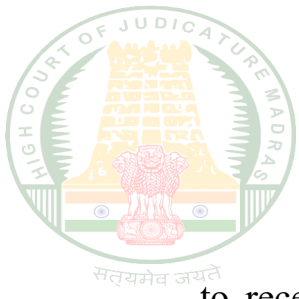


W.A.No.3314 of 2025

WEB COPY

amount could not be faulted. However, the learned Single Judge further observed that, in the absence of any cogent evidence to establish that the said amount represented illegal gratification, the finding of the Enquiry Officer to that extent was perverse. Consequently, the only misconduct that remained proved was the possession of an amount in excess of Rs.20/-, contrary to the Unit Standing Instructions. Thus, the finding that the charge stood proved in its entirety was held to be unsustainable. Taking into account the respondent's long service of 22 years in CISF, the learned Single Judge further modified the punishment imposed by the Appellate Authority.

6. Ordinarily, when a punishment is found to be disproportionate to the gravity of the misconduct, the matter is to be remanded to the Disciplinary Authority for imposition of appropriate punishment. However, in the present case, in view of the finding that the charge relating



W.A.No.3314 of 2025

WEB COPY

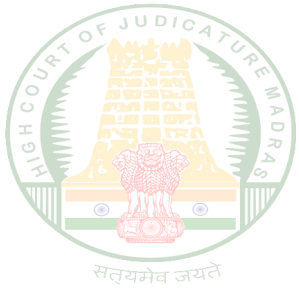
to receipt of illegal gratification was not proved and that only a minor misconduct remained established, the learned Single Judge rightly exercised jurisdiction in modifying the punishment. Remanding the matter at this stage would have caused undue hardship and miscarriage of justice to the respondent- writ petitioner who has retired from service . We find that the learned Single Judge has exercised discretion properly and in accordance with law.

7. In the absence of any perversity or arbitrariness in the impugned order passed by the learned Single Judge, the writ appeal is devoid of merit and is accordingly dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

[R.S.K., J.] [H.C., J.]
26.11.2025

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Page Nos.7/10



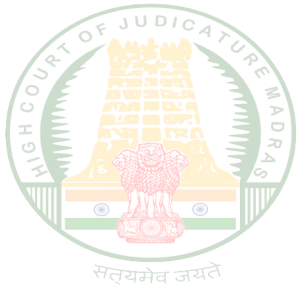
W.A.No.3314 of 2025

WEB COPY

Speaking / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No



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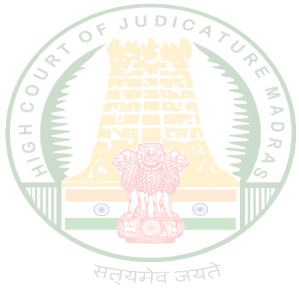


W.A.No.3314 of 2025

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HEMANT CHANDANGOUDAR, J.

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W.A.No.3314 of 2025



WEB COPY



W.A.No.3314 of 2025

26.11.2025