
(2020) 12 UK CK 0082
In the Uttarakhand High Court
Case No : Special Appeal No. 209 Of 2015

M Bhushan Saklani

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 31-12-2020

Acts Referred:

Central Industrial Security Force Rules, 2001 — Rule 36, 54

Citation : (2020) 12 UK CK 0082

Hon'ble Judges : Ravi Malimath, J;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Pankaj Miglani, Rakesh Thapliyal

Final Decision : Dismissed

Judgement

Ravi Malimath, J

1. The case of the appellant is that he was a constable in the Central Industrial Security Force. Charges were framed against him for misbehaving

with the superior officers. He was issued a charge-sheet. The charges were proved against the appellant and a punishment to pay fine equal to

three days pay was awarded to him. Subsequently, the superior officer other than the one who awarded the punishment, by exercising his powers

under Rule 54 of the Central Industrial Security Force Rules, 2001, set-aside the punishment awarded to the appellant and ordered major disciplinary

proceedings against the appellant under Rule 54 of the CISF Rules, 2001.

2. The proceedings were conducted. The earlier order of punishment was set-aside, since it was not in commensurate with the gravity of delinquency

committed by the appellant as it was found that on six previous occasions he was awarded punishment out of which, on four occasions it was for

misbehaving, abusing and using un-parliamentary language with senior officers. Thereafter, major disciplinary proceedings under Rule 36 of the CISF

Rules, 2001 were initiated and a charge-sheet was given to the appellant

3. In the disciplinary proceedings, the charges against the appellant were found to be proved and thereafter, punishment of reduction in lower pay

scale by three stages for a period of two years, though without any cumulative effect, has been awarded to the appellant. Aggrieved by the same, the

instant petition was filed.

4. The learned Single Judge was of the view that there was no procedural illegality in the matter. Therefore, the writ petition was dismissed.

Aggrieved by the same, the petitioner is in appeal.

5. Shri Pankaj Miglani, learned counsel for the appellant-writ petitioner, contends that the order of the learned Single Judge is erroneous and liable to

be interfered with. The respondents have failed to prove the case against the appellant-writ petitioner. Therefore, when the charges are not proved,

the punishment cannot be imposed.

6. The same is disputed by Shri Rakesh Thapliyal, learned assistant solicitor general appearing for the Union of India.

7. On considering the contentions, we do not find any merit in this appeal. The learned Single Judge has rightly dismissed the writ petition. We do not

find any good ground to interfere with the order of the learned Single Judge. However, on merits, it could be seen that the charges have been proved

against the appellant. Therefore, it cannot be said that there is any illegality in the order of the disciplinary authority. Substantial opportunity has been

granted to the appellant-writ petitioner.

8. We are of the considered view that substantial material has been placed in order to prove the charges against the appellant-writ petitioner. So far as

the quantum of punishment is concerned, there were six previous occasions when the appellant-writ petitioner was awarded punishment out of which,

on four occasions, it was for misbehaving, abusing and using un-parliamentary language with senior officers.

9. Hence, for all these reasons, there is no error committed by the disciplinary authority or the learned Single Judge, while passing the impugned

orders.

10. For all these reasons, the appeal being devoid of merit, is dismissed.