
(2008) 03 P&H CK 0136
In the Punjab And Haryana At Chandigarh

Nikka Ram

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 11-03-2008

Acts Referred:

Citation : (2008) 2 PLR 312

Hon'ble Judges : Mohinder Pal, J; Hemant Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—The challenge in the present writ, petition is to" the order passed by the Deputy Inspector General of the Central Industrial Security Force (hereinafter referred, to as the "CISF"), dated 15.2.2008, Annexure P-4, whereby the punishment of compulsory retirement from service with full pensionary benefits has been imposed upon the petitioner.

2. The petitioner was issued a charge-sheet dated 6.5.2007 under Rule 36 of the Central Industrial Security Force Rules, 2001. The charge No. 1 against the petitioner was that he took Rs. 100/- as bribe from Ram Singh, Supervisor of L&T Company, by mis-using his rank. The charge No. 2 against the petitioner was that a sum of Rs. 995/-was recovered from the petitioner when he was deployed on general shift duty on 12.5.2007, though he was not authorized to keep more than Rs. 20/-. The reply filed by the petitioner was not found to be satisfactory. Shri D.S. Gupta, Inspector, Central Industrial Security Force Unit, IOC, Panipat was appointed as Enquiry Officer and after recording the evidence and providing opportunity to the petitioner to cross-examine the witnesses, the Disciplinary Authority imposed the punishment on the petitioner of demotion from the post of Sub Inspector to the post of Assistant Sub Inspector for 2 years which shall also effect the future salary and increments of the petitioner.

3. The petitioner filed an appeal before the Deputy Inspector General of the Central Industrial Security Force. The Appellate Authority issued a show cause

notice dated 24.1.2008 to the petitioner as to why the punishment imposed upon him be not enhanced as the punishment awarded by the Disciplinary Authority was not commensurate to the offence committed by the appellant. The petitioner did not file any reply to the said show cause notice. After considering the entire facts and circumstances, the order of compulsory retirement with full pensionary benefits has been passed on 15.2.2008, which order is subject matter of challenge in the present writ petition.

4. Learned counsel for the petitioner has vehemently argued that the Group Commandant has no jurisdiction to pass an order of punishment as the said order could be passed by the Deputy Inspector General of the Central Industrial Security Force. However, a perusal of Schedule I, contemplating the Disciplinary Authorities and Extent of their Power (Annexure P-5), shows that the punishment of reduction of pay, grade or rank could be imposed by a Senior Commandant of all enrolled members of the Force excepting Inspector. It could not be pointed out that the Group Commandant, who has acted as the Disciplinary Authority and has imposed the punishment, is not a Senior Commandant competent to impose punishment in terms of Schedule-I, aforesaid.

5. In appeal, the Deputy Inspector General of the Central Industrial Security Force, who was competent to impose the punishment of compulsory retirement, issued a show cause notice to the petitioner. On the basis of the show cause notice issued, the Competent Authority passed an order of compulsory retirement of the petitioner with full pensionary benefits. The allegation against the petitioner is for acceptance of bribe for getting in a person in the plant. The allegations against the petitioner is also of having much more money than that was permitted to be carried on person of an official on duty. The order of punishment has been passed against the petitioner in terms of the Rules framed. The learned Counsel for the petitioner could not point out any illegality or infraction in the decision making process.

6. In view thereof, we do not find any illegality or irregularity in the order passed by the respondents, which may warrant interference of this Court in exercise of writ jurisdiction.

7. The writ petition is thus dismissed.