



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13410-2000 (O&M)

RAVINDER KUMAR RANA ...PETITIONER

VERSUS
DEPUTY INSPECTOR GENERAL,
CENTRAL INDUSTRIAL SECURITY FORCE, GOVERNMENT OF
INDIA AND ANR. ...RESPONDENTS

1.	The date when the judgment is reserved	04.11.2025
2.	The date when the judgment is pronounced	24.12.2025
3.	The date when the judgment is uploaded	24.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Hemant Aggarwal, Advocate for the petitioner
Mr. Sandeep Bhatia, Sr. Standing counsel
for respondents

SANDEEP MOUDGIL, J

Prayer

1. The petitioner has filed the present writ petition Under Articles 226/227 of the Constitution of India praying for quashing of the impugned final order dated 05.10.1998 (Annexure P/3) whereby the petitioner has been awarded the penalty of removal from service and appeal order dated 28.05.1999 (Annexure -P/5) whereby his appeal was dismissed. A further prayer directing the respondents to re-instate the petitioner in service with all benefits.
2. Before proceeding further with the case in hand, it would be pertinent to note that the present petition was dismissed in *limine* by the

Division Bench of this Court on 29.09.2000 against which the petitioner filed Special Leave Petition No.2981 of 2001 and the Supreme Court remanded back the matter for fresh adjudication on merits.

The Conspectus Of Facts

3. The petitioner, Constable Ravinder Kumar Rana, was recruited in the Central Industrial Security Force (CISF) in 1992 and was subsequently posted at various units, including the ONGC Nazira Unit. While serving at Nazira, the petitioner was placed under suspension on 14.06.1998 on allegations of assaulting a superior officer, misbehaviour, and habitual misconduct. A charge sheet containing three charges was served upon him on 08.07.1998.

4. The petitioner submitted a written reply denying all charges and claiming that the allegations were false. An Enquiry Officer was appointed, who conducted an enquiry in accordance with the rules, recording statements of ten witnesses and reviewing relevant documents. The Enquiry Officer found all charges proved and submitted a report to the disciplinary authority.

5. Based on the enquiry report, the disciplinary authority imposed the penalty of removal from service on 05.10.1998. The petitioner filed an appeal against the order before the Deputy Inspector General, CISF, which was rejected by order dated 28.05.1999, thereby confirming his removal.

6. Aggrieved by the same, the present petition has been preferred.

Contentions

On behalf of Petitioner

7. Learned counsel for the petitioner contends that the impugned orders of removal from service and the subsequent rejection of the appeal are illegal, arbitrary, and unsustainable. It is submitted that the enquiry report

upon which the disciplinary action is based is vitiated, as the Enquiry Officer allegedly overlooked the evidence on record. The petitioner denies the charges of assault and misbehaviour, asserting that most of the witnesses did not support the allegations and that the statements relied upon by the prosecution are inconsistent and based on hearsay.

8. It is further contended that the punishment of removal from service is disproportionate to the charges alleged, especially in view of the petitioner's prior long-standing service and good conduct, including the recognition received by him for meritorious work. Learned counsel argues that consideration of the petitioner's past minor disciplinary actions as a basis for establishing habitual misconduct was improper and prejudicial.

9. Additionally, it is submitted that the appellate authority failed to properly consider the evidence and the grounds raised in the petitioner's appeal, thereby demonstrating non-application of mind and arbitrariness in confirming the removal.

On behalf of respondents/UOI

10. Learned counsel for the respondents has at the outset raised a preliminary objection on the maintainability of the present petition stating that the petitioner has failed to exhaust the statutory remedies available under the CISF Rules, including the remedy of filing a revision petition to the Inspector General, further submitted that the impugned orders were passed outside the territorial jurisdiction of this Court, thereby rendering the petition liable to be dismissed on jurisdictional grounds.

11. It is submitted that the petitioner was placed under suspension and served with a charge sheet in accordance with the rules, and he was

provided complete opportunity to defend himself during the enquiry proceedings. The Enquiry Officer conducted the enquiry in a fair and impartial manner, recorded statements of ten witnesses, and considered documentary evidence before submitting a report holding all charges proved. The petitioner acknowledged receipt of the enquiry report but did not file any representation against it.

12. It is also contended that consideration of the petitioner's past disciplinary record to establish habitual misconduct was legally valid, and that the punishment imposed was proportionate to the misconduct.

13. In conclusion, learned counsel submits that the orders of removal and rejection of appeal are lawful, justified, and sustainable in law, and the writ petition is liable to be dismissed.

14. Heard counsel for both parties.

Analysis

15. The Court has carefully perused the material placed on record and the arguments advanced by the learned counsel for both parties. It is not in dispute that the petitioner was charged with assaulting a superior officer, misbehaviour, and habitual misconduct. An Enquiry Officer conducted an enquiry, recording statements of ten witnesses, and submitted a report holding all charges proved. On the basis of this report, the disciplinary authority removed the petitioner from service, and the appeal was subsequently rejected.

16. The core issue in the present petition is whether the disciplinary authority acted in a fair and non-arbitrary manner while holding the petitioner guilty and imposing the penalty of removal from service on the petitioner.

17. The petitioner has challenged the orders of removal from service passed by the disciplinary authority and the subsequent rejection of his appeal.

The challenge is founded on the contention that the enquiry was flawed, the charges were not substantiated by evidence, and the punishment imposed was disproportionate. The respondents, on the other hand, contend that the enquiry was conducted in accordance with rules, charges were proved, past conduct was relevant, and the penalty was proportionate.

18. It is well-settled that disciplinary proceedings in service matters, particularly those involving civil or quasi-military forces such as the CISF, are governed by the twin principles of natural justice and reasoned decision-making. While the authority enjoys wide discretion in matters of discipline, the exercise of such discretion is judicially reviewable to ensure it is not arbitrary, mala fide, or unsupported by evidence. This principle stands fortified by the Supreme Court in ***Union of India v. R. Reddappa, (1993) 4 SCC 269***, wherein it was observed as under:

True the jurisdiction exercised by the High Court under Article 226 of the tribunal is not as wide as it is in appeal or revision but once the Court is satisfied of injustice or arbitrariness then the restriction, self imposed or statutory, stands removed and no rule or technicality on exercise of power, can stand in way of rendering justice. We are not impressed by the vehement submission of the learned Additional Solicitor General that the CAT, Hyderabad, exceeded its jurisdiction in recording the finding that there was no material in support of the finding that it was not reasonably practicable to hold an enquiry. The jurisdiction to exercise the power under Rule 14(2) was dependent on existence of this primary fact. If there was no material on which any reasonable person could have come to the conclusion as is envisaged in the rule then the action was vitiated due to erroneous assumption of jurisdictional fact therefore the tribunal was well within its jurisdiction to set aside the orders on this ground. An illegal order passed by the disciplinary authority does not assume the character of legality only because it has been affirmed in appeal or revision unless the higher authority is found to have applied its mind to the basic infirmities in the order. Mere reiteration or repetition instead of adding strength to the order renders it weaker and more vulnerable as even the higher authority constituted under the Act or the Rules for proper appraisal shall be deemed to have failed in discharge of its statutory obligation.

19. The bedrock of the present case is the credibility and sufficiency

of evidence upon which the disciplinary action was founded. Out of ten witnesses examined, only two were complainants (PW-1 SI/Ex M.R. Saini and PW-5 ASI/Ex C.I. Hussain), while the remaining eight witnesses were either independent or co-workers. Significantly, six witnesses — PW-3 Constable S.K. Singh, PW-4 Constable P.K. Mishra, PW-6 Head Constable R.N. Singh, PW-7 Head Constable N.C. Chatterjee, PW-9 Head Constable Niranjn Parshad, and PW-10 Head Constable T.S. Parihar did not support the allegations against the petitioner, thereby rendering the case of the prosecution doubtful, as the statements of these witnesses reflect material contradictions in the prosecution's case. The statements can be seen as under:

“PW-3, Constable S.K. Singh, stated that he did not know anything about the incident and did not know whether any report was made at the time of roll call.

PW-4, Constable P.K. Mishra, stated that no abusive language was used, that Saini Sahab went towards the west side and Constable Rana towards the east, and when asked if he saw any incident, he replied that he did not see any incident.

PW-6, Head Constable R.N. Singh, stated that no untoward incident occurred in his presence and admitted he did not collect any information regarding the alleged incident.

PW-7, Head Constable N.C. Chatterjee, admitted that his knowledge of the incident was entirely hearsay, as he was informed by the complainant.

PW-9, Head Constable Niranjn Parshad, stated unequivocally that no untoward incident took place.

PW-10, Head Constable T.S. Parihar, stated that on 13.06.98 no untoward incident took place and that Guard R.K. Rana was in a normal position.”

20. In addition to the contradictions in witness statements, the petitioner raises a fundamental procedural irregularity, while stating that ASI/Ex C.I. Hussain, the complainant, did not submit any medical report during the enquiry, despite the petitioner's repeated requests. If there was alleged physical assault in the barrack, nearby personnel present would have observed the incident and been able to give statements, yet no such

corroboration exists.

21. However, the enquiry officer failed to pursue these disputed points, did not obtain the medical evidence, and proceeded to hold all charges proved. This demonstrates that the enquiry was conducted without adequate application of mind, in disregard of procedural safeguards, and with apparent bias, effectively prejudicing the petitioner's right to a fair hearing.

22. Furthermore, the respondents' reliance on past disciplinary records to establish "habitual misconduct" also warrants judicial scrutiny. While past conduct can be a factor, it cannot be used to override the requirement of proof in the present case. The petitioner had a long and largely unblemished service record, with prior minor disciplinary actions, if any, not amounting to habitual misconduct. Past conduct may be considered, but cannot justify arbitrary or punitive removal when current charges are unsubstantiated.

23. Guidance may be derived from the supreme court judgement of "**Ranjit Thakur v. Union of India (1987) 4 SCC 611**" wherein it was held as follows:

9. Re: contention (d): Judicial review generally speaking, is not directed against a decision, but is directed against the "decision making process". The question of the choice and quantum of punishment is within the jurisdiction and discretion of the Court-Martial. But the sentence has to suit the offence and the offender. It should not be A vindictive or unduly harsh. It should not be so disproportionate to the offence as to shock the conscience and amount in itself to conclusive evidence of bias. The doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the Court- Martial, if the decision of the Court even as to sentence is an outrageous defiance of B logic, then the sentence would not be immune from correction. Irrationality and perversity are recognised grounds of judicial review. In Council of Civil Service Unions v. Minister for the Civil Service, [1984] 3 Weekly Law Reports 1174 (HL) Lord Diplock said:

"... Judicial Review has I think developed to a stage today when without reiterating any analysis of the steps by which the development has come about, one can conveniently classify under three heads the grounds upon which administrative action is subject to control by judicial review. The first ground I would call 'illegality'. the second irrationality' and the third 'procedural impropriety'. That is not to say that further development on a case by case basis may not in course of time add further grounds. I have in mind particularly the possible adoption in the future of the principle of 'proportionality' which is recognised in the administrative law of several of our fellow members of the European Economic Community In BhagatRam v. State of Himachal Pradesh, A.I.R. 1983 SC 454 this Court held: "It is equally true that the penalty imposed must be commensurate with the gravity of the misconduct and that any penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution.

The point to note, and emphasise is that all powers have legal limits. In the present case the punishment is so strikingly disproportionate as to call for and justify interference. It cannot be allowed to remain uncorrected in judicial review

24. This Court cannot lose sight of the settled principle that punishment must be commensurate with the gravity of the misconduct alleged. In the present case, the misconduct on the basis of which the delinquent employee was removed from service does not withstand judicial scrutiny, as it is vitiated by material contradictions. Notably, the prosecution witnesses themselves have failed to support the case of the complainant, thereby rendering the impugned decision unsustainable in the eyes of this Court.

Conclusion

25. Upon a cumulative consideration of the record, it emerges that the allegations against the petitioner were not supported by the testimony of the majority of independent witnesses. The enquiry suffered from a lack of reasoned evaluation, as material contradictions were overlooked and essential evidence, including the medical record, was not brought on record. The proceedings thus reflect arbitrariness, resulting in the imposition of a penalty

of removal wholly disproportionate to the charges alleged.

26. In view of these infirmities and the settled principles governing disciplinary proceedings, the impugned action cannot be sustained in law. the orders of removal from service and rejection of appeal (Annexures P/3 and P/5) are quashed. The petitioner shall be reinstated in service with all consequential benefits and arrears of salary and other allowances whatsoever to which the petitioner is legally entitled shall carry interest @ 6 % per annum from the date it became due till its realization, and compliance shall be ensured within a period of four weeks from the date of receipt of a certified copy of this order.

27. Accordingly, the writ petition is allowed and all pending miscellaneous applications, if any, stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

24.12.2025

Meenu

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*