

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Madhuresh Prasad

AND

The Hon'ble Justice Prasenjit Biswas

M.A.T. 1076 of 2025

With

CAN 2 of 2025

Union of India & Others

Vs.

Sanjit Sahu

For the Appellants/Union of India : Ms. Chandreyi Alam Gupta,
Mr. Jasojeet Mukherjee

For the Respondent : Mr. Ujjal Ray

Heard on : 07.07.2026

Judgment on : 07.07.2026

MADHURESH PRASAD, J.:

1. Heard the learned advocate for the Union of India and the learned advocate for the respondent/writ petitioner.
2. In the background of some quarrel with a senior officer of the Force, wherein the petitioner was proceeded against but not visited with any

penalty, an allegation was leveled against the petitioner, a Constable in the Force. It was alleged that he was on duty with spy pen camera. The same led to initiation of a proceeding wherein the allegation was found to be substantiated.

3. The writ petitioner took a plea before the authorities that neither the spy pen camera was used nor any information was gathered, let alone there being any sharing of such information. The authorities considered the plea of the petitioner and found the charges to be proved. The same was put to challenge before the Writ Court in W.P.A. 18921 of 2022 wherein the Hon'ble Single Judge by a judgment dated 08.04.2025 has upheld the findings in the enquiry in the following terms:

“28. It is important to note that PW-1, during his re-examination, testified that there was a rule in the department requiring employees to declare in the shift duty register if they were carrying less than 50 rupees and whether they were carrying a mobile phone with a camera. PW-2, in his deposition, state d that various instructions had been issued by the competent authorities to the members of the force, prohibiting them from carrying mobile phones, newspapers, and reading materials. The evidence had not been shaken in cross-examination. In a disciplined service, maintaining strict discipline is vital. Therefore, after considering the factors outlined in the proceeding paragraphs, my judicial conscience compels me to conclude that such an act undoubtedly constitutes misconduct and misbehavior. Even if the ‘spy pen camera’ was negligently placed in the pocket of the petitioner’s official uniform, the negligence was driven by ill motive.”

4. The Hon'ble Single Judge thereafter proceeded to interfere with the punishment so as to reduce the same. The punishment awarded by the authority was in the following terms:

“30. Rule 34 of the CISF Rules, 2001, which requires that such major penalties be imposed for good and sufficient reasons, prescribes two major penalties related to pay reduction:

i) **Reduction to a lower time scale of pay, grade, post, or service**, which generally bars promotion to the time scale of pay, grade, post or service from which he was reduced with or without further directions regarding conditions for restoration, seniority, and pay upon such restoration (Suib-rule iv).

ii) **Reduction to a lower stage in the time of scale of pay for a specified period**, with directions on whether increments will be earned during this period, and whether the reduction will affect future increments (Sub-rule v).

31. As mentioned earlier, in the present case, the DA by his order dated 29.01.2021 imposed punishment of reduction of pay by one stage in time scale of pay Rs. 25500/- to 81100/- in level-4 from Rs. 35300 to Rs. 34300/- for a period of two years with further direction that he will not earn increments of pay during the period of reduction and the reduction will have the effect of postponing his future increments of pay. Additionally, the period of suspension starting from 15.07.2020 to 28.01.2021 would be treated as 'not on duty'."

5. The Hon'ble Single Judge, however, has reduced the punishment in the following terms:

"38. Accordingly, I am of the view that the petitioner's punishment of reduction in pay by one stage in time scale of pay Rs. 25500/- to 81100/- in level-4 from Rs. 35300/- to 34300/- for two years, with the condition of no increments during this period, should be upheld. However, the portion of the punishment that the reduction will have the effect of postponing his future increments and the part of the punishment related to the suspension period starting from 15.07.2020 to 28.01.2021, declaring that this period would be treated as 'not on duty' and disqualifying him from pay and allowances, should be set aside. It is ordered accordingly. The respondents are directed to impose punishment upon the petitioner in compliance with this order. The other portion of the orders of the DA, AA and Competent Authority are upheld."

6. Whether interference with the quantum of punishment, having regard to the findings of the Hon'ble Single Judge in paragraph 28, extracted above, was justified or not, is an issue arising for our consideration.
7. The learned advocate representing the writ petitioner/respondent submits that the Hon'ble Single Judge recorded reasons for interference with the

quantum of punishment in paragraph 34 and 35 of the judgment, which findings are supported by decision of the Hon'ble Supreme Court of India in case of ***Ranjit Thakur –Vs.-Union of India and Others*** reported in ***(1987) 4 SCC 611*** and in the case of ***B.C Chaturvedi –Vs.- Union of India & Others*** reported in ***(1995) 6 SCC 749***. He laid great emphasis on the law stated by the Hon'ble Apex Court in these two judgments.

8. Considering the submissions and the judgments, we find that there can be no two opinions that the law stated by the Hon'ble Apex Court in these two judgments governs the interference with quantum of punishment by a forum exercising judicial review, and are binding on this Court. The law is very well settled that the punishment is required to be awarded with reference to the gravity of the charges and commensurate to the same.
9. Interference in award of punishment is regulated by the law enunciated by these two judgments in cases where the Court finds that the punishment awarded is disproportionate and excessive to the gravity of the allegations leveled/proved. The Court is also required to record a reasoned finding of the punishment being shockingly disproportionate calling for interference in exercise of judicial review.
10. As per paragraph 28, extracted above, we find that the Hon'ble Single Judge recorded findings that the acts alleged, constituted misconduct and misbehavior and was driven by ill motive. The Hon'ble Single Judge did not find any mitigating circumstance.
11. Consideration of a fact that earlier the petitioner was earlier involved in an episode with his senior officer and the disciplinary proceeding therein

resulted in his exoneration, by the Hon'ble Single Judge, for recording that misconduct appears to stem from a personal dispute between the petitioner and the family of another Force member; and that the same was due to a mistaken belief that the superior officer was taking the side of the petitioner's adversary from the earlier episode, in our opinion, is not founded on any material to make out a tangible apprehension.

12. Upon going through the record of the proceeding and the enquiry we find that the allegations were held proved against the petitioner in the enquiry. The finding was affirmed by the learned Single Judge, and the finding remains unassailed by the writ petitioner till date. It was found that he was called for counseling by the Company Commander. He reached the office of the Company Commander in uniform at 12:45 hours. He was detailed for 'B' shift duty between 13:00 to 21:00 hours. During the counseling/conversation the authorities present noticed the spy pen camera in the left pocket of the petitioner's uniform shirt. These facts are to be viewed keeping in background a fact that the petitioner was a member of a Central Para-military force, obliged and duty bound to maintain the highest standards of discipline, devotion and integrity in discharge of his duties. The installations being guarded by the Force (CISF) of which the petitioner was a Member are normally installations of national importance owned by the Central Government and certain other industrial undertakings or industrial establishments of national importance in private sector. The requirement of high degree of discipline, integrity and dedication to the duties from

Members of a Force like the CISF has been repeatedly stated by the Hon'ble Supreme Court of India.

13. When Members of such a force, who are enjoined with duty for maintenance of security of such installations, are found carrying a spy pen camera with memory card, while on duty, the same cannot be viewed with any degree of leniency. Such an act was prohibited, and was rightly held to be a misconduct liable for punishment. Merely because the spy pen camera was not used by the Member of the Force cannot be considered as a mitigating circumstance.
14. The fact that the petitioner was earlier proceeded against and exonerated, *ipso facto* cannot lay the foundation for the petitioner to contend that there was an apprehension of bias against him by the superior officers. Based on such apprehension the petitioner could not justify carrying of a spy pen camera in his uniform shirt pocket within the guarded installation, 15 minutes before he was to begin his duty on a post within the installation. He had specifically been called by a superior officer for counselling before he proceeded for guarding his post, where the spy pen camera was detected. It is by now settled that a plea of bias can be sustained only if it is found that there was a reasonable likelihood of bias, with reference to some material/grounds. The petitioner's claim, therefore, regarding an apprehension of bias was not sustainable. We are, therefore, of the opinion that there was no occasion for the learned Single Judge to record in paragraph 35 as follows:

“35. The misconduct appears to stem from a personal dispute between the petitioner and the family of another force member and due to a mistaken belief that his superiors were taking the side of Mr. Kumar

and his family. There is no evidence to suggest that the petitioner had any intention to 18 capture confidential audio or video, or to use or transfer such data in a manner that would jeopardize the safety of the force or harm its interests.”

15. Also, there is no finding recorded by the Hon’ble Single Judge regarding the punishment being excessive, let alone shockingly disproportionate to the allegation. We, therefore, find no basis to sustain the petitioner’s reliance on the two decisions of the **Ranjit Thakur** (*supra*) and **B.C Chaturvedi** (*supra*).
16. We, however, find force in submissions of the learned advocate for the appellant/Union of India relying upon decision of the Hon’ble Supreme Court of India in the case of **Life Insurance Corporation of India and Others –Vs.- S. Vasanthi** reported in **(2014) 9 SCC 315** wherein under similar circumstances the Hon’ble Apex Court held interference with the quantum of punishment to be unwarranted and unsustainable in exercise of judicial review.
17. Having regard to our consideration above, the law as laid down by the decisions relied upon by the parties, we find that there was no occasion for the Hon’ble Single Judge to interfere with the quantum of punishment. The order of the Hon’ble Single Judge, insofar as, it interferes with the quantum of punishment is hereby set aside.
18. The appeal is allowed in these terms.
19. Pending application is also disposed of.

20. Urgent certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(MADHURESH PRASAD, J.)

(PRASENJIT BISWAS, J.)

B.K.N.
A.R. (Court)