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2026:DHC:9901-DB

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Reserved on: 02nd September, 2026***

Pronounced on: 05th November, 2026

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CNR No. DLHC010467702022

\+ **W.P.(C)16988/2022**

AMIT KUMAR
Force No. 120805783
Ex-Ct/GD CISF
R/O Vill- Bhelawar P.O Tejhiha
P.S Kako Dist, Jahanabad (Bihar) ....**PETITIONER**

Through: Mr. P Sureshan, Adv.

versus

1. Union of India
Through Director General
Central Industrial Security Force
Block No.13, CGO Complex
Lodhi Road, New Delhi -3 ....**RESPONDENT NO.1**

2. Inspector General
Central Industrial Security Force
NCR Sector, CGO Complex
Lodhi Road, New Delhi 110003 ....**RESPONDENT NO.2**

3. DIG, CISF Unit, CGBS
CISF Campus, Mahipalpur,
New Delhi -110037. ...**RESPONDENT NO.3**

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4. Commandant
CISF Unit, CGBS
CISF Campus, Mahipalpur,
New Delhi -110037 ....**RESPONDENT NO.4**

Through: Mr. Jagdish Chandra, CGSC along with Mr. Lakshay Kumar, Ms. Maanya Saxena, Advocates and Mr. Kiran Ji Pandit (Asst. Commandant)

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AMIT SHARMA

JUDGMENT

NITIN WASUDEO SAMBRE, J.

1. The present writ petition has been preferred under Article 226 of the Constitution of India assailing the Final Order No. 6438 dated 27th October, 2020, passed by the Commandant, CISF Unit, CGBS, New Delhi, the Appellate Order No. 138 dated 04th January, 2021, passed by the Deputy Inspector General, CISF Unit, CGBS, New Delhi, and the Revisional Order No. 6359 dated 25th May, 2021, passed by the Inspector General, CISF NCR Sector, New Delhi, whereby the petitioner has been inflicted with the major penalty of removal from service.

2. The petitioner, by way of the present writ petition, seeks a direction to the respondents to exonerate him of all the charges and to reinstate him

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in service with all consequential benefits, including back wages, restoration of seniority and grant of increments, etc.

3. The facts necessary for deciding this writ petition, insofar as they are relevant for the adjudication of the controversy, are that the petitioner, namely, Amit Kumar, Ex-Constable/GD having Force No. 120805783, was serving at CISF Unit, CGBS, New Delhi. Disciplinary proceedings were initiated against the petitioner under Rule 36 of the Central Industrial Security Force Rules, 2001, in respect of the charges levelled against him. Upon conclusion of the disciplinary proceedings, the disciplinary authority, vide Final Order No. 6438 dated 27th October, 2020, imposed upon the petitioner the major penalty of "removal from service". The said order was assailed by the petitioner before the appellate and revisional authorities; however, the appeal and revision came to be disposed of by the respective authorities vide orders dated 04th January, 2021 and 25th May, 2021. Aggrieved by the aforesaid orders and the penalty imposed upon him, the petitioner has approached this Court by way of the present writ petition.

4. The charges levelled against the petitioner are as under:

CHARGE-1

"The Force No.120805783 Constable/GD Amit Kumar(suspended)"Headquarters' Coy CISF Unit CGBS, New Delhi lives in rental accommodation with his family at Mahipalpur, New Delhi. ***The force member after getting drunk rang the doorbell of his neighbor in the late night of 26.06.2020, due to which the neighbors were gathered there and they informed the said incident to Delhi Police PCR. Thereafter, on 27.06.2020 around 0100 Hrs. the officials of Delhi police accompanied the said force member at gate No.02 of CISF Premises Mahipalpur and the above force member hit a punch to the***

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police officer deputed in PCR and the scuffle took place between both of them*. The uniform of the police officer got torn in above scuffle. On informing by the said police officer to other PCR, the 04/05 PCRs reached the CISF premises and took the said force member to police station Vasant Kunj and he created chaos in the police station. On convincing by Sh. Amit Kumar Sharma, Assistant Commandant (Night Patrolling Officer) and on giving the written affidavit to police, the police released him. Being a disciplined force member of an armed force, the misconduct by him with the police officer tarnishes the image of the force and shows great indiscipline and misconduct.*

CHARGE-2

The force member 120805783 Constable/GD Amit Kumar (suspended) is working in 'Headquarters' Coy CISF Unit, CGBS, New Delhi. The above said force member was appointed for the isolation post (empty hands) in quarantine barrack No.03 in the nightshift from 29.07.2020, 2100 Hrs to 30.07.2020 0500 Hrs. ***The constable/GD Amit Kumar after getting drunk on 29.07.2020 at around 2035 Hrs. appeared for briefing at Mahipalpur premises. His shoelaces were opened at that time and he was also not wearing his facemask properly. When the nightshift SI/Exe asked him to tie his shoelaces and to wear the facemask properly and to maintain the social distance then, he did not obey the orders of the shift Incharge and abused with vulgar and filthy language for him after getting hyper****. Being a disciplined force member of an armed force, his presence on the duty under the influence of alcohol and misbehave with his senior officers shows the serious indiscipline and misconduct on his part. Hence, the charge.*

CHARGE-3

"The Force member 120805783 Constable/GD Amit Kumar (suspended) is working in Headquarters Coy CISF Unit CGBS, New Delhi. The above force member came for briefing at Mahipalpur premises on 29.07.2020 around 2035 Hrs. after getting drunk. ***When the night shift in-charge SI/Exe Sanjay Kumar was standing along with other force members near the Kotee after the inspection of the weapons for collecting the weapons then, the Ct./GD Amit Kumar came to him and he hit his hand hard on the empty magazine of his pistol and dropped it down and he by threatening the Sub Inspector/Exe Sanjay Kumar to destroy him, abused him again.*** *Being a disciplined member of an armed force, the act of threatening senior officer, assaulting and misbehaving shows the serious indiscipline and misconduct on his part. Hence, the charge.*

CHARGE-4

*"The Force member 120805783 Constable/GD Amit Kumar (suspended) is working in Headquarters Coy CISF Unit CGBS, New Delhi. On 29.07.2020 around 2045 Hrs****. the above force member threatened the force No.170834391 Ct./GD D.D. Rathore, who was deputed with weapon at backside of the Quarter, to teach him a lesson and threatened***

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to shoot him after snatching his weapon. *The act of the above said force member for threatening his associate member to teach him a lesson to shoot him, shows the great indiscipline and misconduct on this behalf. Hence, the charge.*

CHARGE-5

Due to taking intoxication by the Force member 120805783 Constable/GD Amit Kumar (suspended) Headquarters Coy CISF Unit CGBS, New Delhi on 29.07.2020, he was accompanied to Dr. Ram Manohar Lohia Hospital, New Delhi for medical examination, where the doctor confirmed the specific alcoholic in the column of smell of breath and at the time of taking blood sample, the CFSL Lab, Yashwant Complex, New Delhi asked to bring the COVID-19 negative certificate of above force member and also given the format of the Form. ***The constable/GD Amit Kumar was called in Mahipalpur Control Room on 30.07.2020 at about 1640 Hrs and the ASI/Exe Atardeen asked him to get done his COVID-19 test, on which the constable/GD Amit Kumar did not get his COVID-19 test done till date i.e. 07.08.2020 despite directing him, due to which the CFSL could not conduct the blood test of the force member Ct/GD Amit Kumar.*** *Hence, the non- cooperation of the force member Ct/GD Amit Kumar for conducting blood test and violation of the lawful orders of the senior officer shows the great indiscipline and misconduct on his part. Hence, the charge.*

CHARGE-6

"The Force member 120805783 ***Constable/GD Amit Kumar (suspended) Headquarters Coy CISF Unit CGBS, New Delhi has been punished with 01 major and 01 minor punishment in his previous service tenure for misbehaving with the senior officials under the influence of alcohol and on finding sleeping on duty. But he has been failed to improve his behavior, which makes clear that he instead of mending his ways is in habit of doing indiscipline acts****. Hence, the charge.*

5. The charges levelled against the petitioner were served upon him, which he acknowledged on 07th August, 2020. Thereafter, the petitioner submitted his written statement in response to the said charges on 14th August, 2020, wherein he denied the charges and pleaded not guilty. Upon consideration of the petitioner's response, the disciplinary authority decided to conduct a regular departmental enquiry into the charges levelled

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against the petitioner. Accordingly, the departmental enquiry was proceeded with in accordance with the applicable rules.

6. Pursuant thereto, *Shri Dipendra Singh*, Assistant Commandant, CISF Unit, CGBS, New Delhi, was appointed as the Enquiry Officer *vide* Order No. 3926 dated 21st August, 2020, and Inspector/Executive Vinay Bhardwaj was appointed as the Presenting Officer *vide* Order No. 3927 dated 21st August, 2020, who was subsequently replaced by Inspector/Executive Anil Kumar for administrative reasons *vide* Order No. 4011 dated 24th August, 2020. The departmental enquiry thereafter proceeded, during which the statements of the prosecution witnesses, CW-1 and the petitioner were recorded. The Presenting Officer submitted his brief note on 29th September, 2020, to which the petitioner submitted his response on 05th October, 2020. Upon completion of the enquiry, the Enquiry Officer submitted his report to the Disciplinary Authority, holding the charges levelled against the petitioner to be proved *vide* Final Order No. V15014/CISF/CGBS/Disc-36/F.O./AK/2020-6438 dated 27th October, 2020. The copy out of which was supplied to the petitioner on 27th October, 2020.

7. Against the enquiry report, the petitioner submitted his representation before the Disciplinary Authority on 19th October, 2020. Upon consideration of the enquiry report and the petitioner's representation, the Disciplinary Authority, *vide* Final Order No. 6438 dated 27th October, 2020, gave a finding against the petitioner and imposed upon him the

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penalty of "removal from service, which shall not be a disqualification for future employment under the Government" recorded its findings as under:-

> *After making brief analysis and perusal of the statements of the prosecution witnesses and the documents provided during the departmental enquiry, I the enquiry officer have reached to the conclusion that the Charge-01, Charge-02, Charge-03, Charge-04, Charge-05 and Charge-06 under Charge sheet No.V-15014/CISF/CJBS/Disc/T-36/Amit/ 2020-3617 dated 07.08.2020 leveled against the force number 120805783 Constable/GD Amit Kumar (suspended) CISF Unit GBS, New Delhi are completely proved.*

8. Aggrieved by the aforesaid order, the petitioner preferred an appeal before the Appellate Authority, i.e., the Deputy Inspector General, CISF Unit, CGBS, New Delhi.

9. The Appellate Authority, upon consideration of the departmental proceedings, the materials on record and the grounds urged by the petitioner in his appeal, found no procedural irregularity in the conduct of the enquiry and held that the charges had been proved against the petitioner. It was further observed that the petitioner had been afforded adequate opportunities to defend himself during the enquiry but had failed to substantiate his defence by producing any concrete evidence or defence witness. The Appellate Authority also took note of the allegations regarding the petitioner's conduct on 26th-27th June, 2020 and 29th-30th July, 2020, including his alleged intoxicated condition, incidents involving other members of the Force and the medical examination conducted thereafter. Taking into consideration the nature of the charges and the petitioner's past conduct, the Appellate Authority found the penalty

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imposed by the Disciplinary Authority to be proportionate to the misconduct alleged and, accordingly, rejected the appeal *vide* order dated 04th January, 2021. The petitioner was thereafter granted liberty to prefer a revision petition before the competent Revisional Authority.

10. The petitioner thereafter having been granted the liberty by the appellate authority preferred a revision in which the revisional authority, upon consideration of the revision petition dated 20th February,2021, found that the charges levelled against the petitioner stood proved on the basis of the evidence available on record.

11. It was further observed that, no material irregularity or miscarriage of justice had occurred. Taking note of the petitioner's repeated instances of misconduct, including reporting for duty under the influence of alcohol, misbehaving with his seniors, threatening a colleague and his previous punishments for similar misconduct, the Revisional Authority held that the petitioner was unsuitable for service in a disciplined force. Accordingly, in exercise of the powers conferred under Rule 54 of the CISF Rules, 2001, the Revisional Authority rejected the revision petition dated 20th February, 2021, and confirmed the penalty of removal from service imposed by the Disciplinary Authority and upheld by the Appellate Authority.

12. Aggrieved by the same, the present petitioner filed this writ petition.

13. The learned counsel for the petitioner advanced three-fold submissions. Firstly, it is contended that, during the course of the departmental enquiry, a total of 16 prosecution witnesses and one Court

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witness were examined. However, despite the examination of these witnesses, no direct evidence was adduced to establish the charges levelled against the petitioner. It is submitted that the findings recorded against the petitioner are based primarily on hearsay evidence, without any substantive or cogent evidence to substantiate the allegations. Learned counsel further contends that no independent witness was examined in support of the charges, thereby questioning the evidentiary basis on which the departmental authorities arrived at their conclusions

14. Secondly, learned counsel for the petitioner submits that the alleged incidents of misconduct ought to be considered in the context of the petitioner's medical condition, particularly his alleged alcohol dependency and depression arising out of difficult family circumstances. It is contended that the petitioner was suffering from alcohol dependency and was also experiencing mental distress on account of the family issues, particularly the infertility-related complications faced by his wife. According to learned counsel, these circumstances had a bearing on the petitioner's conduct and ought to have been duly considered by the departmental authorities while examining the allegations and determining the appropriate course of action against him.

15. Thirdly, learned counsel for the petitioner contends that the entire disciplinary proceedings stand vitiated on account of the petitioner's alleged mental illness. In support of this submission, reliance has been placed upon the provisions of the Rights of Persons with Disabilities Act,

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2016, and the Mental Healthcare Act, 2017, particularly Section 20 of the Rights of Persons with Disabilities Act, 2016. It is submitted that the petitioner's alleged mental health condition ought to have been taken into consideration by the disciplinary authorities while conducting the proceedings and deciding the matter. According to learned counsel, the failure to appropriately consider the petitioner's alleged condition renders the disciplinary proceedings legally unsustainable and warrants interference by this Court.

16. In the support of same the counsel for the petitioner has placed reliance on the matter of ***Ravinder Kumar Dhariwal & Anr. Vs. Union of India & Ors. In Civil Appeal No.6924 of 2021*** decided by the apex court specifically placing reliance on the para 106 which reads thus:-

> *106. In view of the discussion above, we summarise our findings below:*
> *(i) The validity of the disciplinary proceedings shall be determined against the provisions of the RPwD Act 2016 instead of the PwD Act 1995 for the following reasons:*
> *(a) The respondent holds a privilege under the 2002 notification to not comply with the principles of non-discrimination and reasonable accommodation provided under Section 47 of the PwD Act. However,for a privilege to accrue in terms of Section 6 of the GCA, mere expectation or hope is not sufficient. Rather, the privilege-holder must have done an act to avail of the right. The privilege provided by the 2002 notification would accrue only when one of the punishments provided under Section 47 has been imposed. However, in the instant case, the disciplinary proceedings were challenged even before the punishment stage could be*

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reached. Therefore, the privilege available to the respondent under the 2002 notification was not accrued in terms of Section 6 of the GCA;

(b) Section 47 of the PwD Act is not the sole source of the right of equality and non-discrimination held by persons with disability. The principle of non-discrimination guides the entire statute whose meaning and content find illumination in Article 5 of the CRPD. An interpretation that furthers international law or gives effect to international law must be preferred. Therefore, even though the PwD Act does not have an express provision laying down the principle of equality vis-à-vis disabled persons, it will have to be read into the statute; and

(c) The 2002 notification is not saved by Section 102 of the RPwD Act since Section 20 of the RPwD Act is not corresponding to Section 47 of the PwD Act;

(ii) The disciplinary proceedings are discriminatory and violative of the provisions of the RPwD for the following reasons:

(a) A person with a disability is entitled to protection under the RPwD Act as long as the disability was one of the factors for the discriminatory act; and

(b) The mental disability of a person need not be the sole cause of the misconduct that led to the initiation of the disciplinary proceeding. Any residual control that persons with mental disabilities have over their conduct merely diminishes the extent to which the disability contributed to the conduct. The mental disability impairs the ability of persons to comply with workplace standards in comparison to their able-bodied counterparts. Such persons suffer a disproportionate disadvantage due to the impairment and are more likely to be subjected to disciplinary proceedings. Thus, the initiation of disciplinary proceedings against persons with mental disabilities is a facet of indirect discrimination.

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17. In rebuttal, learned counsel for the respondents strenuously opposed the submissions advanced on behalf of the petitioner and contended that there was no infirmity in the disciplinary proceedings conducted against him. It was further submitted that the findings recorded by the Disciplinary Authority had been duly examined and upheld by both the Appellate Authority and the Revisional Authority, and that no ground was made out warranting interference by this Court.

18. It was contended that, although the petitioner has raised the ground of mental illness, no evidence was placed on record by him to substantiate his alleged illness or infertility-related issues, either during the inquiry proceedings or at the stage of filing his statutory appeal or revision.

19. In accordance with the established practices followed in disciplined forces such as the CISF, the petitioner was required to undergo an annual medical fitness examination. It was submitted that, until 2017, the petitioner was declared to be in the SHAPE-1 category. However, with effect from 29th June, 2018, following a post-operative fracture of the radius, he was placed in the SHAPE A-2 (U) T-12 category by the medical officers. It was further submitted that the petitioner was declared fit to perform all duties that did not involve crawling, running, jumping, long-distance marching, hill climbing or handling weapons, and was advised to avoid heavy work involving his right hand, in accordance with the recommendations of the orthopaedic specialist. Learned counsel further contended that the aforesaid medical assessments did not record any

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mental illness or declare the petitioner mentally unfit. Accordingly, it was submitted that the petitioner could not claim the benefit of Rule 91-B of the CISF Rules, 2001, on the basis of the aforesaid medical records.

20. Hence, the ground taken by the petitioner that he was suffering from mental illness is devoid of merit and appears to be an afterthought, raised as a defence against his removal from service.

21. Having regard to the submissions advanced by the learned counsel for the respective parties, the material placed on record and the orders passed by the Disciplinary, Appellate and Revisional Authorities, the principal issue that arises for consideration is whether the disciplinary proceedings conducted against the petitioner or the penalty of removal from service imposed upon him suffer from any infirmity warranting interference by this Court in the exercise of its writ jurisdiction under Article 226 of the Constitution of India.

22. The principal contention advanced on behalf of the petitioner pertains to his alleged mental illness, particularly Alcohol Dependency, which according to him, was attributable to mental stress arising out of infertility-related complications concerning his wife.

23. It is contended that the alleged condition attracted the protection of the Rights of Persons with Disabilities Act, 2016, the Mental Healthcare Act, 2017 and Rule 91-B of the CISF Rules, 2001, and that the departmental authorities, instead of proceeding with the departmental

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inquiry, ought to have considered the applicability of the provisions enshrined in the aforesaid enactments and Rules. Reliance has also been placed upon the judgment of the Apex Court in ***Ravinder Kumar Dhariwal & Anr. v. Union of India & Ors***., referred to hereinabove.

24. There can be no quarrel with the proposition that the rights and protections available to persons with disabilities are required to be considered in accordance with the applicable statutory framework. The material placed on record, however, does not disclose any medical report, diagnosis, treatment record or other cogent material substantiating the petitioner's alleged condition of Alcohol Dependency or any other relevant mental illness during the period in question.

25. The annual medical fitness records referred to in the pleadings indicate that the petitioner was initially placed in the SHAPE-1 category and was subsequently placed in the SHAPE A-2 (U) T-12 category following a fracture of the radius. A perusal of the aforesaid records does not disclose any medical observation indicating that the petitioner was suffering from any mental illness during the relevant period. The change in his medical classification appears to have been necessitated by his orthopaedic condition and the consequential medical restrictions associated therewith. Accordingly, the said medical records, as available on record, do not substantiate the petitioner's claim of having suffered from any mental illness during the relevant period.

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26. Further, the petitioner has not demonstrated, on the basis of the material available, that the alleged condition impaired his capacity to participate in the inquiry or that any substantiated plea in this regard was raised before the Enquiry Officer or the departmental authorities.

27. The mere assertion that the petitioner was experiencing mental stress on account of his family circumstances cannot, in the absence of material establishing the nature of the alleged condition and its relevance to the misconduct in question, be treated as sufficient to invalidate the disciplinary proceedings. The judgment in ***Ravinder Kumar Dhariwal*** requires the rights of persons with mental disabilities to be examined in the context of the applicable statutory provisions and the circumstances of the individual case. The said judgement particularly in para 97 also held that a person with mental disability is entitled to the protection of rights under the RPWD Act as long as they meet the definitional criteria of what constitutes a person with disability under section 2(s) of the said Act. The mental disability need not necessarily be the sole cause of the misconduct; however, the factual circumstances must be examined to determine whether the relevant statutory protections are attracted. In the present case, the petitioner has not demonstrated, on the material placed before this Court, the existence of circumstances which would establish that the departmental authorities acted in breach of any applicable statutory obligation. Consequently, the aforesaid judgment, by itself, does not furnish sufficient ground to hold that the disciplinary proceedings stand

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vitiated. The plea, as advanced, therefore, does not warrant interference with the impugned orders.

28. The petitioner has also challenged the findings recorded by the Enquiry Officer on the ground that the charges were not established by direct evidence and that no independent witnesses were examined during the inquiry. It is contended that the findings are founded upon hearsay evidence and lack substantive material to establish the allegations.

29. A perusal of the impugned orders reflects that the departmental inquiry culminated in a finding that all six charges levelled against the petitioner stood proved upon consideration of the evidence and material forming part of the proceedings. The petitioner was served with a charge-sheet on 07th August, 2020, submitted his written statement denying the charges and was afforded an opportunity to participate in the inquiry, including an opportunity to cross-examine.

30. In this regard, the principles laid down by the Apex Court ***in B.C. Chaturvedi v. Union of India and Others, (1995) 6 SCC 749***, particularly paragraphs 12 and 13, assume significance. The Apex Court has held that judicial review is directed towards examining the manner in which a decision has been made and does not permit the Court to sit in appeal over the findings recorded by the disciplinary authority. The observations in the aforesaid judgement are reproduced as below:

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12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent

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officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 38] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.

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31. Applying the aforesaid principles to the facts of the present case, the petitioner has not demonstrated any specific procedural illegality, violation of the principles of natural justice or perversity in the findings recorded by the departmental authorities. The mere assertion that the evidence was hearsay in nature or that independent witnesses were not examined would not, by itself, establish that the findings are perverse or based on no evidence. In the absence of any demonstrated infirmity falling within the recognised grounds of judicial review, this Court finds no sufficient basis to interfere with the findings recorded by the Disciplinary Authority and affirmed by the Appellate and Revisional Authorities.

32. The last contention relates to the proportionality of the penalty of removal from service. The charges levelled against the petitioner pertain to six instances of alleged misconduct, including his conduct towards a police officer, reporting for duty under the influence of alcohol, misbehaviour towards superior officers, threatening a fellow member of the Force and non-cooperation with a direction to undergo a blood test. It is further pertinent to note that the petitioner had previously been subjected to one major penalty and one minor penalty in respect of earlier instances of misconduct. The Disciplinary Authority, upon holding all six charges to have been proved, imposed the penalty of removal from service, which was subsequently affirmed by the Appellate and Revisional Authorities.

33. In this regard, paragraph 18 of the judgment in ***B.C. Chaturvedi v. Union of India*** and Others, referred to hereinabove, delineates the scope

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of interference by the High Court with the punishment imposed by the disciplinary authority. The relevant observations of the Apex Court are reproduced hereinbelow:

> *18. A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.*

34. The CISF is a disciplined force, and its personnel are expected to maintain a high standard of discipline, obedience to lawful directions and conduct commensurate with the responsibilities entrusted to them. Having regard to the nature and cumulative effect of the misconduct found proved,

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as well as the previous punishments referred to in the impugned orders, this Court finds no demonstrated basis to conclude that the penalty imposed is so disproportionate as to warrant interference in the exercise of judicial review. It is not the function of this Court to substitute its own view as to the appropriate penalty merely because another view may be possible. In the absence of any material demonstrating that the punishment shocks the conscience of the Court or otherwise warrants intervention in accordance with the principles laid down in ***B.C. Chaturvedi***, the challenge to the penalty cannot be sustained.

35. This Court has considered the impugned orders and the reasoning adopted by the competent authorities in arriving at their conclusions and imposing the penalty of removal from service. Having regard to the legal principles laid down by the Hon'ble Supreme Court, as discussed hereinabove, we find no infirmity warranting interference by this Court in the exercise of its writ jurisdiction or any ground for modification of the penalty imposed.

36. In view of the foregoing discussion, this Court finds that the petitioner has failed to establish any ground warranting interference with the orders dated 27th October, 2020, 04th January, 2021 and 25th May, 2021, passed by the Disciplinary, Appellate and Revisional Authorities, respectively. The contentions concerning the alleged mental illness, the validity of the disciplinary proceedings and the proportionality of the

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penalty do not, on the material placed before this Court, make out a case for interference under Article 226 of the Constitution of India.

37. Accordingly, the writ petition stands dismissed.

38. There shall be no order as to costs.

NITIN WASUDEO SAMBRE
(JUDGE)

AMIT SHARMA
(JUDGE)

NOVEMBER 05, 2026*/sky/ok*