2025 INSC 1479

NON- REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 15068 OF 2025
(@Special Leave Petition (Civil) No.18702 of 2023)

UNION OF INDIA & ORS. …APPELLANT(S)

VERSUS

PRANAB KUMAR NATH …RESPONDENT(S)

O R D E R

Leave Granted.

2. The Respondent- Pranab Kumar Nath was employed with the Central Industrial Security Force[1] and had been dismissed from service in terms of order dated 1st July 2017 passed by the Senior Commandant, CISF[2] consequent to disciplinary proceedings

1 Hereinafter, referred to as 'CISF'
2 Hereinafter, referred to as 'Disciplinary Authority'

drawn against him, for marrying once more in the subsistence of his first marriage. Such dismissal was confirmed by the Appellate[3] and Revisional[4] Authorities. The Learned Single Judge[5] and the Division Bench[6] were of the view that dismissal from service is much too harsh a penalty, and as such, for their own reasons, each directed the Disciplinary Authority to pass orders imposing a lesser penalty on him. The Appellant- the Union of India, is aggrieved thereby.

3. The facts, as laid out by the Courts/Authorities below are that the Respondent began serving as a member of the CISF as a Constable on 22nd July 2006. Mrs. Chandana Nath- the wife of the Respondent, by way of a written complaint, and subsequently, upon examination, informed the authorities that he had, while on posting to the 3rd NDRF Battalion, Mundali Odisha, married for a second time to one Parthana Das on 14th March 2016. Consequently, a Charge Memorandum was framed against the Respondent on 7th July 2016. The relevant extract thereof is as below:-

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3 Deputy Inspector General, CISF vide Order dated 20th September 2017

4 Inspector General, CISF vide Order dated 26th July 2018

5 WP No. 8078 of 2019 vide Order dated 21st July 2022

6 Impugned judgment in WA No. 357 of 2022 by judgment dated 18th January 2023

“STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST NO.Q6216(I(M5 CONSTABLE/GD PRANAB KUMAR .NATH OF 'HQRS.' COY, CISF UNIT ISP BURNPUR (W.B.)

Article of Charge

‘ “An act prejudicial to good order and discipline of the Force in that CISF No.062f60045Constable/GD Pranab Kumar Nath of 'FT Coy, CISF Unit ISP Bumpur, who, having a spouse living has entered into a marriage with another womah Mrs. Parthana Das daughter of Shri Debasaran Das, village Barhanti Maniari, P.S. Palasbari, District- Kamrurn (Assam) on 14.03.2016, while he was serving at 3rJNDRF Battalion, Mundali (Odisha) and Ums, violated the provisions of Rule-18(b) of CISF Rules-2001. The above act on the part of No.062160045 Constable/GD Pranab Kumar Nath tantamount to grave misconduct and highly unbecoming a good member of a disciplined CAPF i.e. CISF". Hence, the charge.

Article of Charge-II

“An act prejudicial to good order and discipline of the Force in that CISF No.062160045 Constable/GD Pranab Kumar Nath of 'D' Coy, CISF Unit ISP Bumpur is neglecting his wife (Smt. Chandna Nath) and minor daughter though being a member of a disciplined CAPF i.e. CISF, be is expected to maintain a responsible and decent standard of conduct in his private life and not bring discredit to his service by his misdemeanors. 'The above act on the part of No. 062160045 Constable/GD Pranab Kumar Nath tantamount to grave misconduct serious indiscipline and highly unbecoming of a good member of a disciplined CAPF i.e. CISF.". Hence, the charge.

Sd/-
COMMANDANT

CISF UNIT ISP BURNPUR

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED ACAINST NO. 06216tuJ45 CONSTABLE/CD PRANAB KUMAR NATH OF 'HQRS.' COY, CISF UNIT ISP BURNPUR.

Article of Charge-I

A written complaint dated 18.03.2016 was received from Smt. Chandana Nath wife of No.062160045 Const/GD Pranab Kumar Nath while he was serving at 3rd NDRF Battalion, Mundali (Odisha), wherein she complained against her husband and informed about his re-marriage. As per details of family given by Const/GD Pranab Kumar Nath in his service records, the name of his wife is Smt. Chandana Nath, 'The complaint preferred by Smt. Chandana Nath wife of Const/GD Pranab Kumar Nath was examined by the Competent Authority and during the course of such examination, it was ascertained that No.062160045Constable/GD Pranab Kumar Nath, who, having a spouse living, has entered into a marriage with another woman Mrs. Parthana Das daughter of Shri Debasaran Das, village Barhanti Maniari, P.S. Palasbari, District- Kamaun (Assam) on 14.03.2016 and thus, violated the provisions of Rule-18(b) of CISF Rules-2001. 'The above act on the part of No.062160045 Constable/GD Pranab Kumar Nath tantamount to grave misconduct and highly unbecoming a good member of a disciplined CAP11' i.e. CISF". Hence, the charge.

Article of Charge-II

> A written complaint dated 18.03.2016 was received from Smt. Chandana Nath wile of No. 062160045 Const/GD Pranab Kumar Nath against her husband, while he was serving at 3 NDRF Battalion, Mundali (Odisha). Tn her complaint she stated that her husband Const/GD Pranab Kumar Nath physically tortures her alongwith his minor daughter and asked them to leave his home. Being a member of a disciplined CAPB i.e. CISF. he is expected *to* maintain a responsible and decent standard of conduct in his private life also and not bring discredit to his service by *his* misdemeanors. The above act on the part of-No. 062160045 Constable/GD Pranab Kumar Nath tantamount to grave misconduct, serious indiscipline and highly unbecoming of a good member of' a disciplined CAP1' i.e. CISF". Hence, the charge.
>
> Sd/-
> Commandant
> CISF Unit ISP BURNPUR”

An Enquiry Officer was deputed to look into the case and upon completion, report dated 19th May 2017 was submitted. The following aspects can be noticed from a perusal thereof- (***a***) Mrs. Chandana Nath and the Respondent were married on 13th March 2006, and it appears that the marriage has been sailing in rocky waters ever since. (***b***) After some initial disputes, they started residing separately from the family of the Respondent and were also blessed with a daughter on 19th April 2008. ***(c)*** There are allegations and counter-allegations about relationships outside of marriage, and insofar as Ms. Das is concerned, the matter was

taken forward by the Respondent only with the intention of showing *"his wife how it felt like when a spouse roamed or talked with another person"*. ***(d)*** In mid- 2016, after numerous back and forth attempts, on 17th March 2016 Mrs. Chandana Nath finally left her matrimonial home. *(f)* According to the Respondent, he sent Mrs. Chandana Nath, money, first of his own volition and subsequently upon orders of his superiors- the amount however, was very little and spaced out. [See Pages 63 and 64 of the paperbook]

4. Having taken note of the aforesaid facts, the Disciplinary, Appellate and Revisional Authorities, all dismissed him from service for having entered into a second marriage while still having a living spouse.

5. The Learned Single Judge, taking cue from certain authorities of the High Court as also this Court was of the view that as opposed to dismissal from service, his removal from service would be more appropriate and as such, remanded the matter to the concerned authority. The appellant herein approached the Division Bench against this order. It was held that dismissal from service is the most extreme punishment that can be imposed, and while entering into a second marriage can be termed as an act of indiscipline, yet it is not such a serious act of misconduct to warrant this punishment. The financial difficulty which would be

imposed upon him as a result of this , as also upon his family, would be disproportionate to the offence. The Division Bench too, in the above terms remanded the matter to the concerned authority for imposition of appropriate punishment.

6. We now take up the issue of the Respondent's dismissal on the Union's appeal.

7. First and foremost, we must take note of the relevant rules. The CISF Rules, 2001[7] have been framed under Section 22 of the CISF Act, 1968. Chapter IV thereof provides for Recruitment to the Force. Section 18 provides for the conditions which will lead to the disqualification of a recruit as follows:

> "18. Disqualification - No person, - (a) who has entered into or contracted a marriage with a person having a spouse living; or (b) who, having a spouse living, has entered into or contracted a marriage with another person, shall be eligible for appointment to the Force; Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule."
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> (emphasis supplied)

It is important to observe that such Rules are premised on an institutional requirement for all members of the force(s) to maintain the highest standards of discipline, public confidence and

7 Hereinafter, referred to as 'Rules'

integrity. It is generally understood that acts, whether in personal or professional life, if they involve the possibility of domestic discord, financial vulnerability or divided responsibilities, they have the potential to adversely impact operational efficacy given mental/psychological stability is key. It is also to be noted that these rules are not a moral censure, but simply a service condition, which, it need not be stated, an employer is perfectly within their rights to prescribe, so long as such conditions are not arbitrary, disproportionate or violative of constitutional protections, which in any event stand taken before us. For instance, where the personal law applicable to a service member permits either polygamy or polyandry or the first marriage of such a service member was void, voidable or the like, then, regulation by the employer without due regard therefor would step into the undesirable realms of overregulation, removed from the paramount interests of service discipline.

8. None of the parties to this *lis* are alleging that the enquiry and subsequent proceedings till the High Court have transgressed the law or its duly laid down procedure. We need not, therefore, look into that aspect. The crux of this appeal lies in appreciating the contours of the power of the High Court *vis-a-vis* disciplinary proceedings. It has long been held that under Article 226 jurisdiction, the court is not akin to an appellate Court, its powers

are limited to the extent of judicial review. They cannot set aside punishment or impose a different punishment unless they find that there is substantial non-compliance of the rules. For instance, in ***B.C. Chaturvedi v. Union of India***[8]**,** it was observed by a bench of three learned judges of this Court that:

> **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 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

8 (1995) 6 SCC 749

> 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.
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> **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."

Similarly, in ***High Court of Judicature at Bombay v. Shashikant S. Patil***[9], it was observed:

> "16. The Division Bench of the High Court seems to have approached the case as though it was an appeal against the order of the administrative/disciplinary authority of the High Court. Interference with the decision of departmental authorities can be permitted, while exercising jurisdiction under Article 226 of the Constitution if such authority had held proceedings in violation of the principles of natural justice or in violation of statutory regulations prescribing the mode of such enquiry or if the decision of the authority is vitiated by considerations extraneous to the evidence and merits of the case, or if the conclusion made by the

9 (2000) 1 SCC 416

> authority, on the very face of it, is wholly arbitrary or capricious that no reasonable person could have arrived at such a conclusion, or grounds very similar to the above. But we cannot overlook that the departmental authority (in this case the Disciplinary Committee of the High Court) is the sole judge of the facts, if the enquiry has been properly conducted. The settled legal position is that if there is some legal evidence on which the findings can be based, then adequacy or even reliability of that evidence is not a matter for canvassing before the High Court in a writ petition filed under Article 226 of the Constitution."
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> (emphasis supplied)

Further, in ***Union of India v. K.G. Soni***[10], it was held:

> "14. The common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case [Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn., (1948) 1 KB 223 : (1947) 2 All ER 680 (CA)] the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is limited to the deficiency in the decision-making process and not the decision.
> 15. To put it differently, unless the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigations it

10 (2006) 6 SCC 794

> may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof. In the normal course if the punishment imposed is shockingly disproportionate, it would be appropriate to direct the disciplinary authority or the Appellate Authority to reconsider the penalty imposed."
> (emphasis supplied)

We further notice that in ***Union of India v. P. Gunasekaran***[11], a coordinate Bench of this Court had spelt out the scope of the High Court's function as follows:

> **"12.** Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:
> (*a*) the enquiry is held by a competent authority;
> (*b*) the enquiry is held according to the procedure prescribed in that behalf;
> (*c*) there is violation of the principles of natural justice in conducting the proceedings;
> (*d*) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;

11 (2015) 2 SCC 610

> (*e*) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;
> (*f*) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;
> (*g*) the disciplinary authority had erroneously failed to admit the admissible and material evidence;
> (*h*) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;
> (*i*) the finding of fact is based on no evidence.
> **13.** Under Articles 226/227 of the Constitution of India, the High Court shall not:
> (*i*) reappreciate the evidence;
> (*ii*) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;
> (*iii*) go into the adequacy of the evidence;
> (*iv*) go into the reliability of the evidence;
> (*v*) interfere, if there be some legal evidence on which findings can be based.
> (*vi*) correct the error of fact however grave it may appear to be;
> (*vii*) go into the proportionality of punishment unless it shocks its conscience."

9. In view of the consistent position, as can be deduced from the judgments referred to above, we are of the considered view that the High Court, both the learned single Judge as also the division bench erred in exercising its power as settled principles of law. We say so for the reason that clause 18-B is a close prescribing penal consequences for an action and it is trite in law that any provision of law or rule framed under a statute prescribing penal consequences, has to be strictly construed for the conditions that can trigger such a clause must be flowing from the words

employed therein. It is also settled that when such a rule presents any ambiguity, the interpretation which favours the person sought to be penalised, is to be preferred. In the instant case, it cannot be said that there is any ambiguity. The words of the clause are clear. There is no averment as to the proper procedure not been followed in the disciplinary proceedings. The maxim *"dura lex sed lex"* which means "the law is hard, but it is the law" is attracted in this case. Inconvenience or unpleasant consequences of violation of law cannot detract from the prescription of the law. Consequently, we set aside the impugned judgment, and restore the findings of the disciplinary authority, as confirmed by the Appellate and Revisional authorities.

10. The appeal is allowed. In the facts and circumstances of this case, no order is required to be passed on cost.

Pending applications, if any, shall stand disposed of.

……J.
(**SANJAY KAROL**)

……J.
(**VIPUL M. PANCHOLI**)

New Delhi;
December 19, 2025.