



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Reserved on: August 08, 2025*  
*Pronounced on: August 22, 2025*

+ W.P.(C) 11795/2018

RAM SURAT SINGH .....Petitioner

Through: Mr. P. Sureshan, Advocate.

Versus

DIRECTOR GENERAL CENTRAL INDUSTRIAL  
SECURITY FORCE AND ORS. ....Respondents

Through: Mr. Vijay Joshi, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE SAURABH BANERJEE

### J U D G M E N T

#### SAURABH BANERJEE, J.

1. By this writ petition under *Article 226* of the Constitution of India, 1950, the petitioner seeks issuance of a writ of certiorari for quashing the order dated 03.06.2016 passed by the Commandant, CISF Unit, CSI Airport, Mumbai, order dated 06.10.2017 passed by the DIG, CISF Unit, CSI Airport, Mumbai and also the order dated 23.02.2017 passed by the Inspector General CISF, Airport Sector, New Delhi (*Departmental Authorities*).

2. Succinctly put, the petitioner was appointed as a Sub Inspector in the year 2006. Then, on 19.01.2016, he had a scuffle with a passenger, who was purportedly being in a drunken state, during the course of his duty at the International Terminal, CSI Airport, Mumbai. In a disciplinary action



initiated against him under *Rule 36* of the CISF Rules, 2001 (*Rules*), based on established facts, including CCTV footage, it was confirmed that the petitioner had indeed slapped the passenger.

3. In view of the breach of his discipline and negligence, a charge memorandum has been issued on 03.02.2016, which was followed by a departmental inquiry before the Commandant, CISF Unit Mumbai<sup>1</sup>. The charge before the Disciplinary Authority was found proven against the petitioner. Thus, *vide* order dated 03.06.2016, he was awarded the penalty of reduction in pay by one stage for a period of *one year* without any adverse effect on future increments.

4. In an appeal thereto before the DIG, CISF Unit, CSI Airport, Mumbai<sup>2</sup>, *vide* order dated 06.10.2016, his penalty was enhanced to a reduction in pay by one stage for *two years*, without increments during the period, and with the effect of postponing future increments. In a subsequent appeal thereto before the Inspector General, CISF, Airport Sector, New Delhi<sup>3</sup>, *vide* order dated 27.10.2017, his penalty was modified by allowing increments during the penalty period while maintaining a reduction in pay by one stage for *two years*, ensuring no impact on future increments thereafter.

5. Petitioner, being aggrieved by the aforementioned orders, has preferred the present writ petition.

6. Mr. Sureshan, learned counsel for the petitioner contended that the petitioner slapped the passenger with a minimum level of force since who was drunk, and was entering the Airport without showing a valid ticket,

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<sup>1</sup> Hereinafter referred as “*Disciplinary Authority*”

<sup>2</sup> Hereinafter referred as “*Appellate Authority*”



and was abusing the petitioner. Considering the above, he contended that the penalty imposed is disproportionate *qua* the action of the petitioner.

7. Mr. P. Sureshan then primarily contended that the Disciplinary Authority, the Appellate Authority and the Revisional Authority<sup>4</sup> failed to consider the overall facts which form a part of, and are the subject matter of the present *lis*, and also, there is no explanation given for imposing a major penalty on the petitioner. Therefore, the decision of the respondents to reduce the pay by one stage for a period of *two years* is perverse and violates the principles of natural justice and is, ergo, a disproportionate punishment.

8. *Per contra*, Mr. Vijay Joshi, learned counsel for the respondents contended that since the petitioner is belonging to the Armed Forces (CISF), his conduct was highly unbecoming and has tarnished the image of the Armed Forces (CISF). Every member of the Armed Forces (CISF) is expected to maintain professionalism, especially in situations demanding restraint and composure. Instead, the petitioner reacted in a violent and unprofessional manner and abused his position of power by slapping a passenger, which goes contrary to the CISF, International Sector, Standing Order ISO 9001:2008<sup>5</sup>, wherein it is specifically laid down that the petitioner was not to resort to physical violence.

9. Further thereto, Mr. Joshi contended that the findings of the Departmental Authorities are based on substantial evidence, including CCTV footage and witness statements, as also the inquiry adhered to all procedural requirements. Moreover, this is a case wherein the petitioner

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<sup>3</sup> Hereinafter referred as “*Revisional Authority*”

<sup>4</sup> Hereinafter collectively referred as “*Departmental Authorities*”



was provided ample opportunities to present his case at every stage. He then urged that the challenge to the orders passed by the Departmental Authorities are not *per se* maintainable since as per settled principle of law, interference in matters of disciplinary issues entails a narrow scope, excluding the cases where there is a manifest error apparent on the face of the record and/ or the findings are perverse or legally unsustainable. Reliance in this regard was placed upon *Chatrapal v. State of U.P.*<sup>6</sup>.

10. Having heard the contentions raised by learned counsel for the parties and having gone through the materials on record before us, the short controversy before us is to consider the charge involved and the quantum of penalty imposed upon the petitioner.

11. As per the legal position, we, while dealing with a writ petition pertaining to disciplinary proceedings relating to Armed Forces, like the present one, under *Article 226* of the Constitution of India, are to broadly interfere only if the Departmental Authorities lacked the legal competence to conduct the proceedings and/ or if they failed to adhere to the principles of natural justice and/ or if there was a violation of the statutory rules and/ or there is some manifest perversity. In *Chatrapal (supra)*, cited by respondents, the Hon'ble Apex Court has enshrined the following principles: -

*“13. Under Articles 226/ 227 of the Constitution of India, the High Court shall not:*

*(i) reappreciate the evidence;*

*(ii) interfere with the conclusion 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;*

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<sup>5</sup> Hereinafter referred as “*Standing Order*”

<sup>6</sup> 2024 SCC OnLine SC 146



(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 .....”.

*(Emphasis supplied)*

12. Even otherwise, it is not the case of the petitioner that the proceedings before the Departmental Authorities suffer from any of the reasons enumerated hereinabove.

13. Furthermore, concerning the quantum of punishment, the Hon’ble Supreme Court in *Union of India v. Sunil Kumar*<sup>7</sup> reiterated the settled position of law with regard to the extent of judicial review that may be exercised by the High Court, after observing as under:-

“11. ... ..In *Surinder Kumar [CRPF v. Surinder Kumar, (2011) 10 SCC 244 : (2012) 1 SCC (L&S) 398]* while considering the power of judicial review of the High Court in interfering with the punishment of dismissal, it is observed and held by this Court after considering the earlier decision in *Union of India v. R.K. Sharma [Union of India v. R.K. Sharma, (2001) 9 SCC 592 : 2002 SCC (Cri) 767]* that in exercise of powers of judicial review interfering with the punishment of dismissal on the ground that it was disproportionate, the punishment should not be merely disproportionate but should be strikingly disproportionate. As observed and held that only in an extreme case, where on the face of it there is perversity or irrationality, there can be judicial review under Articles 226 or 227 or under Article 32 of the Constitution. ....”.

*(Emphasis supplied)*

14. The petitioner belonging to the Armed Forces (CISF) was not expected/ allowed to get physical, be it for any reason(s), more so whence doing so, has raised an aspersion upon the Armed Forces (CISF), those like the petitioner posted at the Airports are for the members of the public. The

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<sup>7</sup> (2023) 3 SCC 622



petitioner was to strictly abide and act in terms of the categorically clear and specific Standing Order ISO 9001:2008, International Sector, CISF in letter and spirit, relevant provisions whereof are reproduced as under:-

*“... In case of any suspicious activity or occurrence of any kind of incident, they shall immediately inform to their shift-in-charge/superiors/Control room by quickest means of communication and will deal the situation at their own level till the arrival of their superiors.*

*.... In case of apprehension of attack/ forceful entry, they shall immediately close the gate from inside and shall take suitable position in tactical manner to deal the situation till the arrival of reinforcements ....”*

*(Emphasis supplied)*

15. *Admittedly*, the petitioner did not adhere to the above Standing Order and proceeded to act against it, which is unbecoming of a CISF officer, whatever may have been the contingency.

16. We, in any event, are sitting in a supervisory jurisdiction while dealing with a writ petition under *Article 226* of the Constitution of India and have to exercise circumspection, care and caution as the scope of scrutiny is considerably narrower than when sitting in an appellate jurisdiction. Moreover, Writ Courts are not to act as a fact-finding authority. The scope of interference is thus very minimal, and it is only if the petitioner is able to make out a case for interference that the order challenged is so perverse that it shocks the conscience of the Court.

17. *Admittedly*, the petitioner has not challenged the manner of proceedings or that the principles of natural justice were not followed by the Departmental Authorities or that there is anything which can call for interference especially whence we are dealing with the disciplinary proceedings *qua* the Armed Forces. Therefore, as per the settled position of law, no interference is warranted by us in the present petition and



reliance is placed on *B.C Chaturvedi v. Union Of India & Ors.*<sup>8</sup> and *Union of India v. P. Gunasekaran.*<sup>9</sup>

18. On going through the records before us we find that the Departmental Authorities have proceeded in accordance with law and passed appropriate order(s) imposing the punishment and proportionate penalty thereto after following the principles of natural justice as also giving credence to all the facts on hand and also an opportunity to him for cross-examination during the trial.

19. In view of the afore-stated facts and circumstances, coupled with the existing legal position, we find no reasons warranting interference from our side.

20. Accordingly, the present writ petition is dismissed with no order as to costs.

21. Needless to say, we direct the respondents to ensure that the punishment imposed by virtue of the orders dated 03.06.2016, 23.02.2017 and 06.10.2017, passed by the Departmental Authorities, which constitute the subject matter of the present *lis*, shall not, in any manner, have a bearing/ impact on the promotion of the petitioner herein.

**SAURABH BANERJEE, J**

**SUBRAMONIUM PRASAD, J**

**AUGUST 22, 2025/Ab**

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<sup>8</sup> (1995) 6 SCC 749

<sup>9</sup> (2015) 2 SCC 610