



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

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Date of Decision: July 31, 2025

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W.P.(C) 6097/2018

CONST/GD MASTAN SINGH

....Petitioner

Through: Mr. Subhasish Mohanty, Mr. G.C. Rawal and Mr. Manaj Sarkar, Advocates.

versus

**CENTRAL INDUSTRIAL SECURITY FORCE
AND ORS**

.....Respondents

Through: Ms. Sunieta Ojha, Advocate for Ms. Talish Ray, Advocate with Mr. G.S. Rathore, AC, CISF alongwith Inspector Yaspal, CISF.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (ORAL)

SAURABH BANERJEE, J.

1. By the present writ petition, the petitioner seeks quashing of the impugned order dated 21.09.2015 passed by the Inspector General, Central Industrial Security Force¹, Airport Sector HQ, New Delhi, whereby his revision petition has been rejected and the order dated 21.04.2015 passed by the Appellate Authority has been affirmed, and consequently the penalty imposed by the Disciplinary Authority *vide* order 08.12.2014 has been confirmed.

2. The brief facts involved are that on 05.09.2014, the petitioner, a Constable (GD) in CISF, was detailed for night shift duty at the main gate of NDCC-II, New Delhi and was as such issued an AK-47 rifle bearing butt

¹ hereinafter referred to as "*CISF*"



no.296 along with 90 rounds of live cartridges and 3 empty magazines from the Kote situated at NDCC House. While on duty, and during the course of inspection of the said AK-47 rifle that day, the petitioner (claims to have accidentally) fired three rounds. As a result, the following two Articles of Charge were framed against the petitioner:-

Charge No. 1

“That CISF force No.921404985 CT/GD Mastan Singh (suspended), CISF Unit GBS, New Delhi on 05.09.2014 was detailed for night shift at the 'main gate' of NDCC-II. Accordingly above force member was issued a AK-47 Rifle bearing butt number 296 with 90 rounds of live cartridges and 03 empty magazines from kote located in NDCC-II. During inspection of the said arm, 03 live rounds got burst accidental fire by CT/GD Mastan Singh. The act of CISF force No.921404985 CT/GD Mastan Singh, amounts to gross negligence, carelessness and indiscipline. Hence the charge.”

Charge No. 2

“That CISF force no.921404985 CT/GD Mastan Singh (suspended), CISF Unit GBS, New Delhi in past was imposed minor penalties twice for his misconduct. It seems that the above force member became habitual offender. In spite of above punishment and warning and chances given to force no.921404985 CT/GD Mastan Singh has shown any improvement in discipline.

With reference to allegation of misconduct leveled against the Force member in Charge No.2, it is informed that the force member was imposed punished for proved misconduct in the past and the same is recorded in his service book. In case Charge No.1 is proved, the Charge no. 2 will have a serious bearing and hence the charge.”

3. During the course of enquiry, the respondents examined and recorded the statements of six prosecution witnesses and one Court witness, however, the petitioner did not examine any witness in his defense and merely produced an OPD slip dated 05.09.2014, of the same day, to show that he had visited RML Hospital, New Delhi earlier that day, prior to the incident. After the completion of enquiry, the Inquiry Officer found both



charges against the petitioner as '**proved**'. Thereafter, based on the findings of the enquiry report, the Disciplinary Authority, *vide* order dated 08.12.2014, imposed the following penalty on the petitioner:-

"Reduction of pay by one stage from Rs. 10550 + 2800(GP) to Rs. 10160 + 2800 (GP) in the time scale of pay for a period of three years with immediate effect. It is further ordered that No. 921404985 Constable/GD Mastan Singh will not earn the increment of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increments of pay."

4. Aggrieved thereby, the petitioner filed an appeal before the Deputy Inspector General, CISF, which was rejected *vide* order dated 21.04.2015 holding as under:-

*"06. Therefore, I do not find any mitigating circumstances to intervene with the decision taken and punishment of "वेतन वर्तमान वेतनमान में एक स्तर कम कर रू 10550 + 2800 (जीपी) से रू 10160 + 2800 (जीपी) पर तीन वर्ष की अवधि के लिए तत्काल प्रभाव से घटाया जाये। यह भी आदेश है कि इस अवधि में पड़ने वाली वेतन वृद्धियाँ बल कमांक 921404985 आरक्षक / जीडी मस्तान सिंह, को देय नहीं होगी तथा इस आदेश का प्रभाव उसकी भविष्य की वेतन वृद्धियों पर भी पड़ेगा" awarded by the Disciplinary authority. Hence, the appeal dated 05.01.2015 submitted by No 921404985 Constable Mastan Singh of CISF Unit GBS New Delhi is considered and **rejected** being devoid of merit."*

5. Thereafter, the petitioner filed a revision petition before the Inspector General, Airport Sector, CISF, which too was rejected *vide* the impugned order dated 21.09.2015 holding as under:-

"6. The revision petition of the petitioner and the relevant documents have been carefully gone through in detail and found that the petitioner was given ample opportunity to defend the charge leveled against him. The DE has been conducted as per laid down procedure and principle of natural justice was followed throughout the enquiry. The personnel of Central Armed Police Force of the Union like CISF are expected to be extra careful & vigilant while they are deployed for duty with arms and ammunition. They are also imparted intensive training on handling of arms during their basic training & thereafter regular training is imparted in the Units also. They are also regularly advised & briefed about careful handling of arms to avoid accidental



firing through Sanik Sammelan, Roll Call etc. Inspite of all these, the petitioner not only exhibited carelessness in handling of arms during the process of checking weapon but also mishandled the weapon, ignoring the basic fundamentals of arms handling, which resulted into burst fire of 03 rounds. Such negligence & carelessness is not expected from a trained member of Central Armed Police Force. Further, he also failed to mend himself inspite of 02 punishments in the past. In my opinion the gravity of proven Articles of charges are serious, in nature and not acceptable at any cost from any member of CAPF

7. *However, taking into account the whole gamut of the case, the undersigned is of the considered opinion, that the Disciplinary Authority as well as Appellate Authority have already taken a lenient view in disposing of the case, keeping in view his long service & future career and awarded the lesser punishment. Hence, I am not inclined to enhance the punishment with a view that the petitioner would take it as an -opportunity and be more careful in future and not repeat such type of acts. Therefore, I do not find any cogent reason to interfere with the order of the Disciplinary as well as Appellate Authorities. The revision petition of the petitioner is, considered and rejected being devoid of merit."*

6. This has led to filing of the present writ petition by the petitioner.

7. The submissions of Mr. Subhasish Mohanty, learned counsel for the petitioner revolve around the fact that the petitioner fired three rounds in the clearing pit, and, in any event, none of the prosecution witnesses had actually seen the petitioner firing at the clearing pit, as they had only heard the sound and saw dust rising from the clearing pit.

8. Drawing our attention to the OPD slip dated 05.09.2014 issued by RML Hospital, Mr. Mohanty submits that the petitioner was sick on the date of the incident. He had visited RML Hospital earlier that day. It is his submission that since the petitioner was under the influence of medication and not fully conscious at the time of the incident, the petitioner may have accidentally fired the gun. Lastly, he submits that the said AK-47 rifle from which the alleged firing took place was never sent by the respondents for examination to determine if it was in fully serviceable condition, which is



clearly a procedural lapse on the part of the respondents.

9. Controverting the aforesaid submissions of the learned counsel for the petitioner, Ms. Sunieta Ojha, learned counsel for the respondents submits that the petitioner, being a member of the armed forces, has failed to follow the procedure prescribed for handling the said AK-47 rifle, which resulted in three rounds of (accidental) firing, which not only endangered his own life but also the safety of others.

10. Ms. Ojha then submits that this is not the only instance of the petitioner as he had previously been also punished on two occasions for acts of indiscipline, and seems to have become a '*Habitual Offender*'. Lastly, drawing our attention to the finding of the Disciplinary Authority, wherein it was specifically recorded that "*...considering the future and taking lenient view against Force No.921404985 CT/GD Mastan Singh, CISF unit GBS, New Delhi.....*", she submits that a lenient view had already been taken while penalizing the petitioner. Thus, according to her, there is no interference warranted by this Court.

11. We have heard the learned counsel for the parties as also gone through the records before us.

12. As per the facts, since the petitioner has admitted before the Disciplinary Inquiry that he himself accidentally fired the AK-47 rifle, he is guilty of pulling the trigger of AK-47 rifle bearing butt No. 296, which resulted in firing of three rounds. In fact, the petitioner himself informed about the same to both PW2 and PW3 at the time of incident, who corroborated the same before the Disciplinary Inquiry. Furthermore, PW1, PW3 and PW4 have also unequivocally stated that they saw the barrel of the petitioner's rifle pointed towards the clearing pit, where from dust was seen



rising. Therefore, the petitioner cannot be allowed to now contend that none of the prosecution witnesses actually saw him firing at the clearing pit. The petitioner, belonging to the Armed Forces, could not have afforded to be reckless in firing his AK-47 rifle while on duty, and that too at a public place to endanger the lives of the general public.

13. Further, whether the said AK-47 rifle was in a working condition or not, it is duly recorded in the impugned order of Inspector General that during the Departmental Inquiry, Constable/Armourer K. Nagendra, who as per the respondents, is an expert in weapon mechanism, categorically stated and certified that the AK-47 rifle bearing butt no.296 issued to the petitioner was inspected by him prior to its issuance, and was found to be in proper working and serviceable condition. Before us also, the respondents have taken the same stand in their counter affidavit. In such a scenario, there was no requirement for the respondents to send the said AK-47 rifle for any further examination. Therefore, we do not have any reason to either disbelieve the case of the respondents or that any further examination was required at their end.

14. Furthermore, the plea that the petitioner was under the influence of medication at the time of incident and/ or that he was not in senses at the time of incident is also far-fetched and not appealing, *particularly*, since the OPD slip of the same morning as produced by him reflects that he only went for treatment of throat pain and cough. Even otherwise, the OPD slip also reflects that the petitioner was merely prescribed simple medicines, which, in normal course, could not have any psychotropic effect. In any event, he was not advised any rest. Consequently, under no circumstance, can we hold that the petitioner was suffering from any serious condition, either



prior to or at the time of the incident. In any case, going by what the petitioner claims, who belongs to the Armed Forces, it was his bounden duty to apprise his superiors of his medical condition, if any, before reporting for duty later at night, which, *admittedly* he never did. The petitioner cannot take cover of his own inactions and failure by taking shelter of being under medication.

15. All the contentions raised by the learned counsel for the petitioner before us are clearly self-serving afterthoughts, *particularly*, since the very same petitioner in his reply to the Presenting Officer's brief note, which was prepared after recording statement of every prosecution witness and of the petitioner, has himself admitted that he reached the Kote in full consciousness for taking arms but claimed that his mind was not working properly only at the time of issuance of arms leading to the incident of firing. The petitioner, cannot blow hot and cold by shifting his stance.

16. As such, the charges against the petitioner stood proved and the challenge to the orders passed by the Appellate Authority have rightly been rejected by the learned Single Judge.

17. Qua the quantum of penalty imposed upon the petitioner, since record reveals that the petitioner is not a first time offender and has not had an unblemished career as he has previously also been punished with two minor penalties, *firstly* in 1998, when the petitioner forcibly entered VIP gallery at Dr. B.R. Ambedkar Stadium and started dancing, as also disobeyed senior official's orders to leave and *secondly* in 2004, when he absented himself from duty post without authorization, these prior acts reflect a continuing pattern of indiscipline of the petitioner. Though, they are relevant factors for consideration while imposition of penalty, however,



considering the long tenure in service and future prospects of the petitioner, the Disciplinary Authority has given him due benefit while imposing the penalty. In view thereof, in our opinion the penalty imposed upon the petitioner is proportionate and proper.

18. Lastly, since the petitioner has not challenged the manner/ procedure followed by the authorities or that the principles of natural justice have not been followed or that he has not been given any chance of hearing or anything which can call for any interference by us, we, not being an appellate authority, are left with no scope of interference or of judicial review, which as per the settled position of law is not permissible under *Article 226* of the Constitution of India. In this connection, reference may be made to the decision of Hon'ble Supreme Court in *B.C. Chaturvedi v. Union of India & Ors.*² and *Chairman cum Managing Director, Coal India Limited and Anr. v. Mukul Kumar Choudhuri and Ors.*³.

19. Further, keeping in mind that the petitioner is belonging to CISF and could be deployed in sensitive areas as well, there is no valid ground warranting interference by us.

20. Accordingly, the present writ petition along with the application(s), if any, is dismissed, leaving the parties to bear their own respective costs.

SAURABH BANERJEE, J

JULY 31, 2025/Ab

SUBRAMONIUM PRASAD, J

² (1995) 6 SCC 749

³ (2009) 15 SCC 620