



CGHC010278542021



2026:CGHC:31149

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6219 of 2021

- Anupam Devnath S/o Shri Govind Devnath Aged About 32 Years Constable / G.D. C.I.S.F. Unit, S.E.C.L. Bilaspur, R/o Gevra Post Office Deepka, District Korba, Chhattisgarh, District : Korba, Chhattisgarh

... **Petitioner(s)****versus**

- Inspector General Kendriya Audhogik Suraksha Bal Madhya Khand Mukhyalaya Bhilai, District Durg, Chhattisgarh, District : Durg, Chhattisgarh
- Up Mahanirikshak, Kendriya Audhogik Suraksha Bal Madhya Kshetra Mukhyalaya Bhilai, District Durg, Chhattisgarh, District : Durg, Chhattisgarh
- Commandent Kendriya Audhogik Suraksha Bal Ikai B.I.O.M. Kirndul, District Dantewada, Chhattisgarh, District : Dantewada, Chhattisgarh

... **Respondent(s)**

For Petitioner	:	Mr. Anupam Devnath, petitioner-in-person
For Respondents	:	Mr. Abhishek Banjare, C.G.C.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

22.7.2026

- 1) In this writ petition, petitioner has challenged the orders passed by the disciplinary authority and appellate authority whereby penalty of reduction of pay by one stage for one year with cumulative

effect has been imposed.

- 2) Facts of present case are that initially petitioner was appointed to the post of Constable GD in respondent department and on 1.7.2020, petitioner was issued a charge memo wherein following allegation was made :-

आरोप

बल संख्या 130117094, आरक्षक/जीडी अनुपम देवनाथ (निलंबित), केओसुब इकाई बीआईओएम किरन्दुल द्वारा दिनांक 23.06.2020 एवं 24.06.2020 को सोशल मीडिया प्लेटफॉर्म (फेसबुक) पर देश की सेना एवं अर्द्धसैनिक बलों के अधिकारियों के ऊपर आपत्तिजनक टिप्पणियाँ पोस्ट की गईं जो कि समय-समय पर सोशल मीडिया प्रचालन के संबंध में जारी दिशा-निर्देशों का स्पष्ट उल्लंघन है। बल संख्या 130117094, आरक्षक / जीडी अनुपम देवनाथ (निलंबित) के इस कृत्य से बल की छवि धूमिल हुई है। बल सदस्य का उक्त कृत्य घोर अनुशासनहीनता एवं समय-समय पर सोशल मीडिया प्रचालन संबंधित जारी दिशा-निर्देशों की अवहेलना को प्रदर्शित करता है। अतः आरोप है।

- 3) Petitioner filed reply to the charge memo on 9.7.2020. Thereafter, disciplinary authority/ Commandant, CISF Unit B.I.O.M. Kirndul appointed Inquiry Officer and Presenting Officer on 13.7.2020. Prosecution examined its witnesses and exhibited the documents on 22.7.2020 and petitioner was afforded sufficient opportunity to cross-examine the witnesses on 25.7.2020. Subsequently, Inquiry Officer submitted its report on 12.8.2020. Disciplinary authority issued second show-cause notice and thereafter, penalty of reduction of pay by one stage in Pay Matrix-3 from Rs. 27,600/- to Rs. 26,800/- for one year with cumulative effect was inflicted upon the petitioner vide order dated 7.9.2020.

- 4) Petitioner preferred departmental appeal before the Deputy

Inspector General, CISF Central Zone Headquarters, Bhilai and same was dismissed vide order dated 29.1.2021. Petitioner preferred revision before Inspector General, CISF Central Zone Headquarters, Bhilai and same was dismissed vide order dated 16.6.2021.

- 5) Petitioner-in-person submits penalty inflicted on him is wholly excessive and disproportionate looking to the alleged misconduct and Inquiry Officer as well as Disciplinary Authority ought to have taken a lenient view as petitioner never intentionally posted anything on social media to insult Indian Army or Para-military Forces and the department failed to lead clinching evidence in order to establish that objectionable social media posts were uploaded by the petitioner. He further submits that petitioner was not afforded sufficient opportunity of hearing and proper procedure was not adopted by the respondent-department while conducting the departmental inquiry. He prays to quash the orders passed by the disciplinary authority and appellate authority.
- 6) On the other hand, learned counsel for the respondents submits that petitioner was a member of armed force and he uploaded five offensive posts against the Indian Army and Para-military Forces on his social media (facebook) account on 23.6.2020 and 24.6.2020. He further submits that a full fledged department inquiry was conducted wherein charge memo was issued ; Inquiry Officer and Presenting Officer were appointed ; department

examined its witnesses and exhibited relevant documents. He also submits that Inquiry Officer submitted its report before the disciplinary authority, who concurred with the inquiry report and inflicted the penalty. He argues that this petition deserve to be dismissed.

- 7) I have heard learned counsel for the parties and perused the documents placed on record with utmost circumspection.
- 8) It appears that petitioner has assailed the orders passed by the disciplinary authority as well as the appellate authority but the order passed by the revisional authority has not been impugned in this writ petition, however the same is annexed to the writ petition marked as Annexure P/3. In my considered view, such mistake can be ignored while hearing the writ petition on merits as the grounds of challenge are almost similar.
- 9) Perusal of the documents annexed to the petition would show that petitioner uploaded objectionable posts against Indian Army and Para-military Forces on his social media account on 23.6.2020 and 24.6.2020. Department took cognizance and issued charge memo on 1.7.2020 and the same was duly replied by the petitioner. Thereafter, Inquiry Officer and Presenting Officer were appointed on 13.7.2020 and inquiry notice was issued on 16.7.2020. In the inquiry, prosecution examined Inspector Prashant Sudhakar (PW/1), who stated that objectionable posts

were uploaded by the petitioner on social media. Inspector Roshan Kumar Verma (PW/2) and Constable Lakhvinder Singh (PW/3) also supported the case of prosecution.

10) Petitioner appeared in the inquiry on 25.7.2020 and 27.7.2020 and his statement was also recorded but he did not examine any witness. Although, he stated that he uploaded those posts to check in on every one. Petitioner admitted that the posts were deleted by him at a later stage. He also stated that he has great respect for Armed Forces of the country and he is not well versed with 'hindi' language as his mother tongue is 'bengali'. Inquiry Officer found the charge proved and submitted the Inquiry Report on 12.8.2020. Disciplinary Authority concurred with the inquiry report and inflicted the penalty of reduction of pay by one stage with cumulative effect. A categorical finding has been recorded by all the authorities to the effect that the conduct of the petitioner is in violation to Rule 36 of CISF Rules, 2001 and social media guidelines issued from time to time. Thus, in view of the discussion made herein-above, it is not in dispute that departmental inquiry has been conducted in accordance with law and sufficient opportunity of hearing was afforded to the petitioner.

11) Hon'ble Supreme Court in the matter of ***Union of India and Others Versus P. Gunasekaran***¹ while dealing with the scope of interference in service matters held as under :-

1. (2015) 2 SCC 610

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;
- (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.

14. In one of the earliest decisions in *State of A.P. v. S. Sree Rama Rao*, many of the above principles have been discussed and it has been concluded thus: (AIR pp. 1726-27, para 7)

"7.... The High Court is not constituted in a proceeding under Article 226 of the Constitution as a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant: it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the

delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution."

12) Likewise, Hon'ble Supreme Court in the matter of ***Union of India and Others Versus Datta Linga Toshawad***² held that penalty inflicted in a departmental inquiry can be interfered by the High Court while exercising power under Article 226 of Constitution of India if the order has been passed by an incompetent authority or if procedure to inflict the penalty has not been followed or if the penalty is disproportionate looking to the misconduct.

13) In the present case, petitioner failed to demonstrate that penalty order was passed by the incompetent authority or the procedure prescribed under the rules have not been followed. With regard to proportionality of penalty, in my opinion, the penalty appears to be appropriate looking to the misconduct as the petitioner uploaded

2. (2005) 13 SCC 709

objectionable posts against the Indian Army and Para-military Forces on his social media account.

14) In consequence, the instant writ petition stands **dismissed**.

15) No order as to costs.

16) Pending application(s), if any, shall stand disposed of.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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