

W.A.(MD)No.489 of 2020

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

<b>Date of Reserving the Judgment</b>	<b>Date of Pronouncing the Judgment</b>
18.09.2025	23.09.2025

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**  
**and**  
**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD)No.489 of 2020**

1.The Divisional Security Commissioner and  
Disciplinary Authority,  
Railway Protection Force, Trichirapalli.

2.The Assistant Security Commissioner and  
Enquiry Officer,  
Railway Protection Force,  
Training Centre, Kinder Garden, Kajamalai,  
Trichirapalli.

3.The Assistant Security Commissioner,  
Railway Protection Force,  
Trichirapalli.

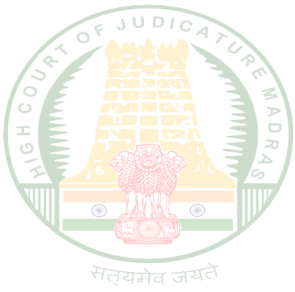
4.The Inspector,  
Railway Police Protection Force,  
Trichirapalli Junction,  
Southern Railway,  
Trichirapalli.

... Appellants / Respondents

VS.

K.Muniyandi

... Respondent / Petitioner



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**PRAYER :** Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 18.02.2019, made in W.P.(MD)No.25265 of 2018.

For Appellants : Mr.K.Gokul

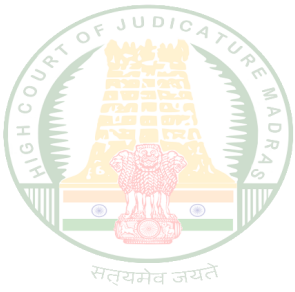
For Respondent : Mr.N.Tamilmani

### **JUDGMENT**

**C.V.KARTHIKEYAN, J.**

The respondents in W.P.(MD)No.25265 of 2018 are the appellants in the present writ appeal.

2. W.P.(MD)No.25265 of 2018 had been filed by the writ petitioner, K.Muniyandi, seeking issuance of a Writ of Certiorari, to quash a charge sheet dated 03.11.2018 issued by the first respondent therein namely, the Divisional Security Commissioner and Disciplinary Authority, Railway Protection Force, Tiruchirappalli.

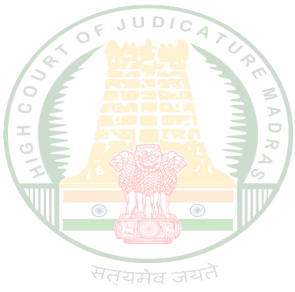


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3. The writ petitioner had been initially appointed as a Constable in the Railway Protection Force in the year 1997. At the time of filing the writ petition, he was serving as Head Constable at Tiruchirappalli Railway Junction. The charge sheet dated 03.11.2018 alleged that the petitioner had deserted his duty point and had also engaged in an argument with the Assistant Security Commissioner, Railway Protection Force, Tiruchirappalli, who had been arrayed as the third respondent in the writ petition.

4. Upon perusal of the records, it is seen that a specific contention was raised before the learned Single Judge to the effect that on the very same day the charge sheet was issued, an Enquiry Officer had been appointed and the date for enquiry was also fixed. It was argued before the learned Single Judge that this procedure violated Rule 9(7) of the Railway Servants (Discipline and Appeal) Rules, 1968, which mandates that a delinquent Railway servant must be given at least 10 days' time to submit a written statement of defence in response to the charges levelled.



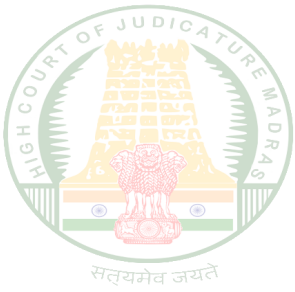
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5. The learned Single Judge examined the scope of Rule 9(7) and held that the said Rule clearly requires the grant of 10 days to enable the charged Railway servant to file a written statement along with supporting documents. In the present case, such an opportunity had not been afforded to the petitioner. Accordingly, the learned Single Judge quashed the charge memo with a direction to the respondents to provide 10 days' time to the writ petitioner to file his explanation and supporting documents. The learned Single Judge further directed that the disciplinary authority may thereafter proceed in accordance with Rule 9 of the Rules. Additionally, it was directed that the entire disciplinary proceedings should be concluded within eight weeks from the date of commencement of enquiry.

6. The present Writ Appeal has been filed challenging the said order passed by the learned Single Judge.

7. The appellants herein, who were the respondents in the writ petition, raised a preliminary ground that the Railway Servants (Discipline and Appeal) Rules, 1968 were not applicable to members of the Railway Protection Force,



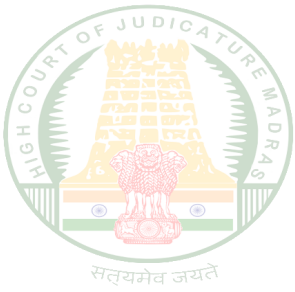
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who are instead governed by the Railway Protection Force Act, 1957 and the corresponding Railway Protection Force Rules, 1987.

8. It was specifically contended that Rule 153.2.1 of the Railway Protection Force Rules, 1987 permits the Disciplinary Authority to appoint an Enquiry Officer after examining the grounds of imputation of misconduct or misbehaviour. Further, Rule 153.5 stipulates that the Disciplinary Authority shall determine the date of commencement of the enquiry, which must be fixed not earlier than 72 hours from the date so determined.

9. On the basis of these provisions, the learned counsel for the appellants argued that the charge sheet issued to the writ petitioner was in strict conformity with the applicable service rules namely, the Railway Protection Force Rules, 1987. It was contended that the Railway Servants (Discipline and Appeal) Rules, 1968, was not applicable to the writ petitioner, who was a member of the Railway Protection Force.



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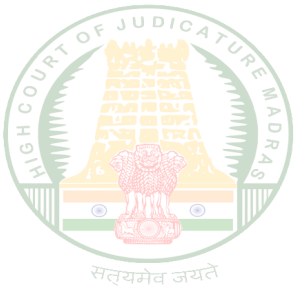
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10. Accordingly, it was urged that the order passed by the learned Single Judge, based on alleged violation of Rule 9(7) of the Railway Servants (Discipline and Appeal) Rules, 1968, deserves to be re-examined and to be set aside.

11. Heard arguments advanced by Mr.K.Gokul, learned counsel for the appellants and Mr.N.Tamilmani, learned counsel for the respondent.

12. The facts of the case are not in dispute. The writ petitioner is a member of the Railway Protection Force, having been appointed as a Constable in the year 1997. He was subsequently promoted to the post of Head Constable. A charge memo dated 03.11.2018 was issued to the writ petitioner, wherein it was alleged that on 16.03.2018, he had deserted his duty point, namely, the CCTV Control Room at Tiruchirappalli Railway Junction, and had absented himself between 09:30 a.m. and 10:15 a.m. without obtaining prior permission from his Post Commander. It was further alleged that monitoring the CCTV feed in the control room was a sensitive and critical duty, directly concerning the safety of Railway passengers.

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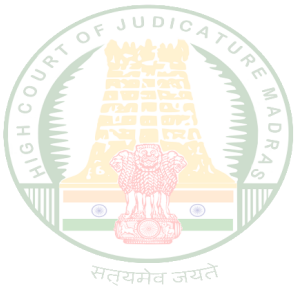
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**13.** It was additionally alleged that during the said time, the writ petitioner was found at the newly constructed RPF Barracks at Tiruchirappalli Railway Junction, where the General Manager of Southern Railway and other dignitaries were present to attend an inaugural function. The charge memo further stated that when the Assistant Security Commissioner questioned the writ petitioner, who was in uniform and was accompanied by four other RPF staff in civilian attire, all carrying bags containing garlands and shawls, the writ petitioner had raised his voice and abused the Assistant Security Commissioner.

**14.** It was also alleged that the writ petitioner subsequently introduced himself to the General Manager of Southern Railway and interacted with him without any prior permission.

**15.** The charge sheet was issued under Rule 153 of the Railway Protection Force Rules, 1987, and along with it, the name of the Enquiry Officer was communicated to the writ petitioner. The date of enquiry was also fixed and informed. It was expressly stated that the writ petitioner was required to attend

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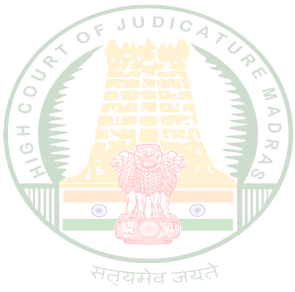
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the enquiry and that, in the event of his failure to do so, the enquiry would proceed *ex parte*.

16. The said charge sheet was challenged in the writ petition primarily on the ground that the procedure adopted violated Rule 9(7) of the Railway Servants (Discipline and Appeal) Rules, 1968, which mandates that a minimum of 10 days' time must be granted to the charged official to submit a written statement of defence prior to the initiation of the enquiry proceedings.

17. Mr.K.Gokul, learned counsel for the appellants, however, contended that the Railway Servants (Discipline and Appeal) Rules, 1968 are not applicable to the writ petitioner, who is a member of the Railway Protection Force (RPF). It was submitted that the service conditions of the writ petitioner are governed exclusively by the Railway Protection Force Rules, 1987, framed under the Railway Protection Force Act, 1957, and not by the general disciplinary rules applicable to other railway servants.



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18. Mr.N.Tamilmani, learned counsel for the respondent however argued that the order of the learned Single Judge should be upheld.

19. The Railway Protection Force Act, 1957 [Act 23 of 1957] was enacted with the object of constituting and regulating an armed force of the Union, for the better protection and security of railway property, passenger areas, and passengers, and for matters connected therewith or incidental thereto.

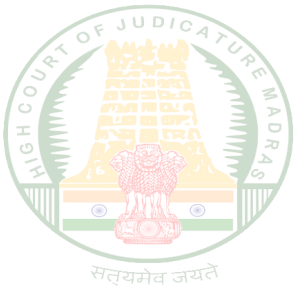
20. Section 2(c) of the Railway Protection Force Act, 1957 defines a “member of the Force” as follows:-

*"a person appointed to the Force under this Act."*

21. Section 3 of the Railway Protection Force Act, 1957, provides for the constitution of the Force and Section 3(1) is as follows:-

***"3. Constitution of the Force.-***

*(1) There shall be constituted and maintained by the Central Government an Armed force of the Union to be called the Railway Protection Force for the better protection and security of railway property."*



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22. Section 9 of the Railway Protection Force Act, 1957 relates to dismissal, removal, etc. of members of the Force. The said provision is as follows:-

***"9. Dismissal, removal, etc., of members of the force.-***

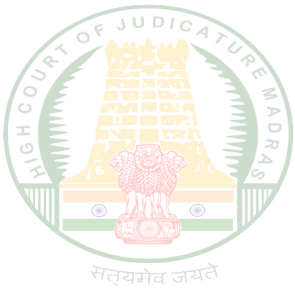
*(1) Subject to the provisions of Article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may-*

*(i) dismiss, suspend or reduce in rank any enrolled member of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same; or*

*(ii) award any one or more of the following punishments to any enrolled member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely:-*

*(a) fine to any amount not exceeding seven days' pay or reduction in pay scale;*

*(b) confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty;*



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*(c) removal from any office of distinction or deprivation of any special emolument.*

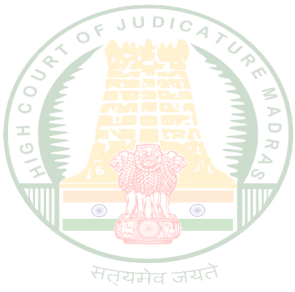
*(2) Any enrolled member of the Force aggrieved by an order made under sub-section (1) may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed:*

*Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.*

*(3) In disposing of the appeal, the prescribed authority shall follow such procedure as may be prescribed:*

*Provided that no order imposing an enhanced penalty under sub-section (2) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order."*

**23.** An examination of the above provisions clearly indicates that any disciplinary action or punishment against a member of the Railway Protection Force must be initiated only under the Rules framed by the Central Government under the provisions of the Railway Protection Force Act, 1957, and in accordance with the procedure prescribed therein.



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24. Pursuant to the powers conferred under the Railway Protection Force Act, 1957, the Central Government has framed the Railway Protection Force Rules, 1987. Rule 1.3 of the said Rules specifically provides that:

*"These rules shall apply to all persons who are subject to the Railway Protection Force Act, 1957."*

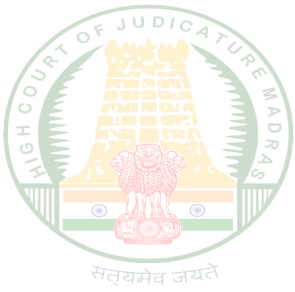
25. Therefore, the writ petitioner, being a member of the Railway Protection Force, is governed solely by the provisions of the Railway Protection Force Act, 1957 and the Rules framed thereunder namely, the Railway Protection Force Rules, 1987.

26. Further, it is pertinent to note that Rule 801 of the Railway Servants (Discipline and Appeal) Rules, 1968 itself delineates the scope of applicability of the said Rules. Rule 801.1 reads as follows:-

***"801. Application of Discipline and Appeal Rules:***

*801.1. As defined in Rules 3 of the Railway Servants [Discipline and Appeal] Rules, 1968, these rules are applicable to all railway servants **except:***

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- (a) any member of the All India Services;  
**(b) any member of the Railway Protection Forces;**  
(c) any person in casual employment; and  
(d) any other person as defined in Rule 3(1)(d) of Railway Servants  
(Discipline and Appeal) Rules, 1968." (Emphasis supplied)

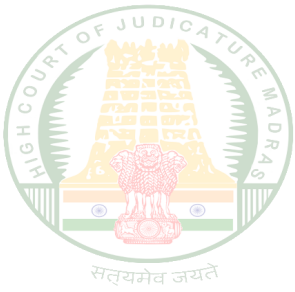
27. It is thus evident that the Railway Servants (Discipline and Appeal) Rules, 1968 do not apply to any member of the Railway Protection Force.

28. The charge sheet issued against the writ petitioner had been issued under Rule 153 of the Railway Protection Force Rules, 1987, which Rules specifically govern the procedure for imposing major punishments on members of the Force.

29. Rules 153.1 and 153.2.1 are as follows:-

**"153. Procedure for imposing major punishments :**

*153.1. Without prejudice to the provisions of the Public Servants Inquiries Act, 1850, no order of dismissal, removal, compulsory retirement or reduction in rank shall be passed on any enrolled member of the Force (save as mentioned in rule 161) without holding an inquiry,*



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*as far as may be in the manner provided hereinafter, in which he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded a reasonable opportunity of defending himself.*

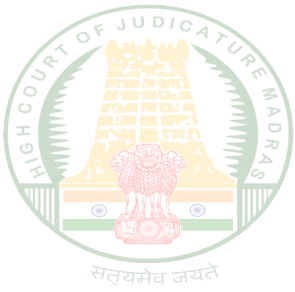
*153.2.1 Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an enrolled member of the Force, it may itself inquire into or appoint an Inquiry Officer higher in rank to the enrolled member charged but not below the rank of Inspector, or institute a Court of Inquiry to inquire into the truth thereof. "*

**30.** Rule 153.5 of the Railway Protection Force Rules, 1987 is as follows:-

*"153.5. The disciplinary authority shall deliver or cause to be delivered to the delinquent member, at least seventy-two hours before the commencement of the inquiry, a copy of the articles of charge, the statement of imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and fix a date when the inquiry is to commence; subsequent dates being fixed by the Inquiry Officer."*

**31.** Rule 153.15 of the Railway Protection Force Rules, 1987 is as follows:-

*"153.15. The party charged shall then be examined and his*

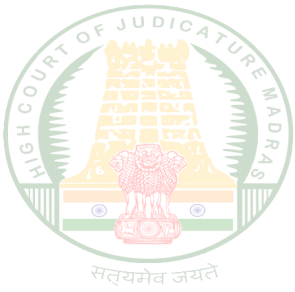


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*statement recorded by the Inquiry Officer. If the party charged has pleaded guilty and does not challenge the evidence on record, the proceedings shall be closed for orders. If he pleads “not guilty”, he shall be required to file within 10 days a written statement together with a list of such witnesses as he may wish to produce in his defence and giving therein a gist of evidence that each witness is expected to give. If he declines to file a written statement, he shall again be examined by the Inquiry Officer on the expiry of the period allowed and his statement, if any, recorded."*

**32.** It is thus seen that the Railway Protection Force Rules, 1987 provide a comprehensive and self-contained procedure for conducting disciplinary enquiries against members of the Force. In particular, Rule 801.1 of the Railway Servants (Discipline and Appeal) Rules, 1968 categorically states that those Rules shall not apply to persons for whom special provisions are made by or under any law for the time being in force. Consequently, the Railway Servants (Discipline and Appeal) Rules, 1968 are inapplicable to members of the Railway Protection Force.



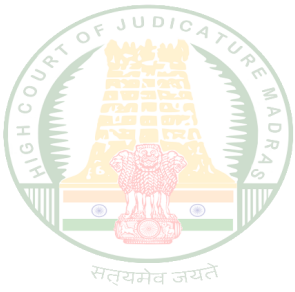
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**33.** The only applicable framework in the case of the writ petitioner is the Railway Protection Force Act, 1957, and the Rules framed thereunder namely, the Railway Protection Force Rules, 1987. Accordingly, we clarify that the respondent herein/writ petitioner is governed exclusively by the said Act and Rules, and we hold that the charge sheet was correctly issued in accordance with Rule 153 of the Railway Protection Force Rules, 1987, which lays down the procedure for imposing major punishments.

**34.** We further observe that the factual and legal distinction concerning the applicability of the RPF Rules was not brought to the attention of the learned Single Judge. The arguments before the learned Single Judge appear to have been confined solely to the provisions of the Railway Servants (Discipline and Appeal) Rules, 1968, which, as established, do not apply to the writ petitioner. Consequently, the order of the learned Single Judge, quashing the charge sheet based on an inapplicable legal provision, requires interference.

**35.** However, we also take note of certain surrounding circumstances. The alleged incident mentioned in the charge sheet is stated to have occurred on



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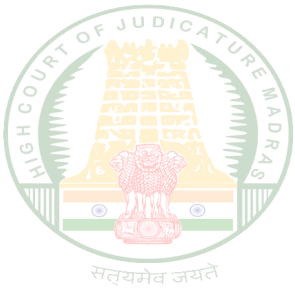
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16.03.2018, and a report was submitted on 24.03.2018. Nevertheless, the charge sheet was issued only on 03.11.2018 after a delay of nearly seven and a half months, for which no explanation has been provided. This inordinate and unexplained delay in initiating disciplinary proceedings casts doubt on the seriousness and urgency of the allegations.

**36.** We further take judicial notice of the fact that the writ petitioner had contended that he was an office bearer of the All India Railway Protection Force Association, and that a rest room had been constructed at Tiruchirappalli Railway Junction for the use of Association members. It was his grievance that members of the Association were not invited to the inauguration of the rest room, which function was presided over by the General Manager, Southern Railway. The petitioner's presence at the venue appears to have stemmed from this grievance. The charge memo also alleges that he raised his voice and interacted with the General Manager without permission; however, no further misconduct or disruption has been alleged.

**37.** In this background, we are of the considered view that the infraction alleged is, at best, minor in nature, and does not warrant the initiation of major

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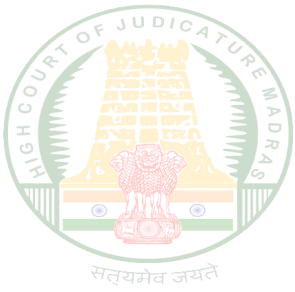
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penalty proceedings under Rule 153. Moreover, the inexplicable delay in issuing the charge sheet further reinforces the perception that the disciplinary action should not have been pursued with the seriousness projected.

**38.** We also take judicial notice of the fact that the writ petitioner has been permitted to retire on attaining the age of superannuation, and that he has been extended the benefit of provisional pension. In the light of these developments, we are of the view that at this stage it would only be prudent and appropriate to put the entire matter to rest.

**39.** Accordingly, while we clarify that the Railway Protection Force Act, 1957 and the Railway Protection Force Rules, 1987 alone are applicable to members of the Railway Protection Force, and that the Railway Servants (Discipline and Appeal) Rules, 1968 have no application to such members, we are not inclined to interfere with the order of the learned Single Judge quashing the charge sheet.



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40. We take into consideration the the minor nature of the infraction, the unexplained delay in initiating disciplinary proceedings, and the fact that the petitioner has already retired from service and we therefore direct that the charge sheet be quashed, and that all disciplinary proceedings initiated thereunder against the writ petitioner / respondent be dropped. The monetary benefits shall be released within a period of 12 weeks from this date.

41. The Writ Appeal is therefore disposed of with above observations. No costs.

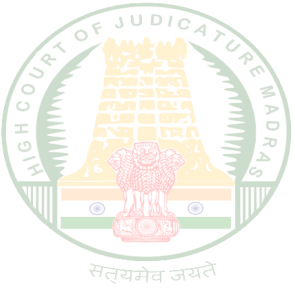
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To

[C.V.K., J.] & [R.V., J.]  
23.09.2025

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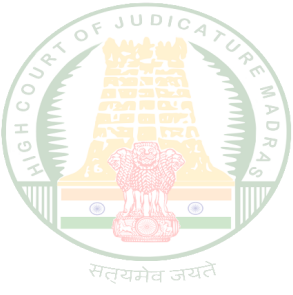
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**C.V.KARTHIKEYAN, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

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**PRE-DELIVERY JUDGMENT MADE IN**  
**W.A.(MD)No.489 of 2020**

**23.09.2025**

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