

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**TUESDAY, THE TENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH  
AND  
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

**WRIT APPEAL NO: 963 OF 2025**

Writ Appeal under clause 15 of the Letters Patent Writ Appeal preferred against the order dated.18/03/2025 passed in Review I.A.No.1 of 2018 in W P No. 6403 of 2013 and pass on the file of the High Court.

**Between:**

1. Union of India, Rep. by its Inspector General, South Sector, Central Industrial Security Force, Ministry of Home Affairs, CISF South Sector Headquarters, Chennai Port Trust, Chennai.
2. The Deputy Inspector General, Central Industrial Security Force, Ministry of Home Affairs, Department of Space Head Quarters, Antariksha Bhavan, New BEL Road, Bangalore.
3. The Commandant, Central Industrial Security Force, Ministry of Home Affairs, CISF Unit, VSSC, Thumba, Kerala State.
4. The Assistant Commandant, Central Industrial Security Force, Ministry of Home Affairs, CISF Unit, NRSC, Balanagar, Hyderabad - 625.

**...APPELLANTS**

**AND**

Kishan Kumar Azmeera, S/o Raju Naik, Aged about 43 Years, Occ. Ex-Constable/Sweeper, R/o 5-47, Chanthripapally Village, Gurrampet (Post) Bhupalpally Mandal, Warangal District.

**...RESPONDENT**

**IA NO: 1 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order 18-03-2025 in Rev.I.A.No. 1 of 2018 in W.P.No. 6403 of 2013.

**Counsel for the Appellants: SRI ARAVIND KUMAR KATA,  
SC FOR CENTRAL GOVERNMENT COUNSEL**

**Counsel for the Respondents: SRI KISHAN KUMAR AZMEERA  
(PARTY-IN-PERSON)**

**The Court made the following: JUDGMENT**

**IN THE HIGH COURT FOR THE STATE OF TELANGANA**  
**AT HYDERABAD**  
**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH**  
**AND**  
**THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN**

**WRIT APPEAL No.963 OF 2025**

**DATE: 10. 02 .2026**

Between:

Union of India and 3 others

**....Appellants**

AND

Kishan Kumar Azmeera

**....Respondent**

**JUDGMENT**

This Writ Appeal is directed against the order dated 18.03.2025 passed by the learned Single Judge in Review I.A.No.1 of 2018 in W.P.No.6403 of 2013. The operative portion of impugned order of the learned Single Judge is extracted hereunder:

*8. In that view of the matter, the impugned punishment of removal from service stands modified to that of Compulsory Retirement from Service, with effect from 05.06.2012.*

*9. Accordingly, the review petition is disposed of 'No costs'. The respondent department shall take necessary steps for the payment of pension and retirement benefits as applicable to the petitioner within a period of three months from the date of receipt of a copy of this order, The petitioner shall not claim any interest on the pension and retirement benefits due, on account of this order. Miscellaneous petitions pending, if any, shall stand closed.*

**2.** Heard Sri Aravind Kumar Kata, learned Standing Counsel for Central Government appearing for appellants and Sri Kishan Kumar Azmeera, respondent (party-in-person) and perused the record.

**Factual background (in brief)**

3. The respondent was appointed as a Constable/Sweeper in the Central Industrial Security Force (CISF) on 14.09.1997 and served in various units in Andhra Pradesh. During the respondent's service tenure, he was imposed with two major punishments and six minor punishments for misconduct, mostly relating to unauthorized absence and overstay of leave.
4. In the incident relating to the removal of the respondent, the respondent was sanctioned earned leave for a period of 13 days from 19.10.2011 to 31.10.2011 and was required to report for duty on 02.11.2011. The respondent, however, failed to report for duty and remained absent without authorisation. Despite call up notices in connection with the departmental enquiry, the respondent neither responded nor participated in the proceedings.
5. Consequently, a Memorandum of Charge No.V-15014/CISF/VSSC/DISC/AKK/2012/49 dated 03.01.2012 was issued to the respondent, framing two articles of charge under Rule 36 of CISF Rules 2001, namely: (i) unauthorized absence from duty with effect from 02.11.2011; and (ii) incorrigible attitude in view of his past service record. A departmental enquiry was conducted in accordance with the Rules. As the respondent failed to participate, the enquiry was conducted *ex parte*, and by final order dated

05.06.2012, the disciplinary authority imposed the penalty of 'removal from service.'

6. The statutory appeal and revision filed by the respondent were dismissed by the appellate and revisional authorities by orders dated 21.08.2012 and 30.11.2012 respectively. Aggrieved thereby, the respondent filed W.P. No.6403 of 2013. The learned Single Judge, by order dated 15.06.2018, dismissed the writ petition, upholding the penalty of removal from service.

7. Thereafter, the respondent filed Review I.A. No.1 of 2018 seeking review of the order dated 15.06.2018. By the impugned order dated 18.03.2025, the learned Single Judge allowed the review petition, holding that the punishment of removal from service was disproportionate to the charge of unauthorized absence, having regard to the respondent's length of service, and accordingly modified the punishment to that of compulsory retirement from service with effect from 05.06.2012, with consequential pensionary benefits.

8. Assailing the said order passed in review, the appellants have preferred the present writ appeal.

**Contentions on behalf of the appellants**

9. The learned Senior Standing Counsel for Central Government appearing for the appellants has contended:

- i. That the learned Single Judge exceeded the permissible limits and the limited scope of review jurisdiction under Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (for short 'CPC').
- ii. That the power of review is circumscribed and can be exercised only on the grounds expressly enumerated under Order XLVII Rule 1 CPC, namely, discovery of new and important matter or evidence, error apparent on the face of the record, and none of these statutory grounds were made out in the review petition. The respondent under the guise of a review sought a re-consideration of the quantum of punishment, which amounts to a rehearing on merits and is impermissible in review.
- iii. That the learned Single Judge, while passing the order dated 15.06.2018 dismissing the writ petition, had exhaustively examined the disciplinary proceedings, the nature of charges, the respondent's past conduct, and the proportionality of punishment. Re-visiting the same issues in review jurisdiction amounts to sitting in appeal over one's own judgment, a course expressly disapproved by the Hon'ble Supreme Court in **Perry Kansagra v. Smriti Madan Kansagra**<sup>1</sup>, and **Murali Sundaram v. Jothibai Kannan**<sup>2</sup>.
- iv. That the finding recorded in the impugned order that the punishment of removal from service was disproportionate

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<sup>1</sup> (2019) 20 SCC 733

<sup>2</sup> (2023) 13 SCC 515

amounts to a re-appreciation of evidence and re-evaluation of facts, which is wholly beyond the scope of review. Placing reliance on ***Union of India v. P. Gunasekaran***<sup>3</sup>, it was submitted that even in judicial review of disciplinary proceedings, the High Court cannot re-assess evidence or interfere with the conclusions of the disciplinary authority, much less in review proceedings.

- v. That the respondent was a member of a disciplined force and that unauthorized absence, even for a short duration, constitutes a serious act of indiscipline. The respondent's service record disclosed two major and six minor punishments, establishing an incorrigible pattern of misconduct. The observation in the impugned order that the respondent was absent for "only about 107 days" in 14 years was contended to be legally untenable, as cumulative misconduct, and not isolated duration of absence, governs the proportionality of punishment in a uniformed force.
- vi. That leniency in matters of prolonged and repeated unauthorized absence would undermine discipline and operational efficiency. Reliance was placed on ***The Commandant, 22 Battalion, CRPF Srinagar and Ors. Vs. Surinder Kumar***<sup>4</sup> to contend that Courts must exercise

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<sup>3</sup> (2015) 2 SCC 610

<sup>4</sup> MANU/SC/1266/2011

restraint while interfering with penalties imposed in disciplined forces.

- vii. That the respondent had wilfully abandoned service, as evident from his submission of resignation while on unauthorized leave, failure to respond to four call-up notices dated 03.11.2011, 12.11.2011, 22.11.2011 and 07.12.2011, and deliberate non-participation in the departmental enquiry.
- viii. That the concept of "error apparent on the face of the record" in the domain of review jurisdiction, contemplates a patent and self-evident error, not one which requires elaborate reasoning or permits two possible views. Reliance was placed on ***Kamlesh Verma v. Mayawati and others***<sup>5</sup> to contend that the mere possibility of an alternative view does not furnish a ground for review.
- ix. That the punishment imposed by the disciplinary authority was neither arbitrary nor shocking to the conscience of the Court, having regard to the respondent's incorrigible service record and the nature of duties performed. The impugned order passed in review was therefore liable to be set aside.

**Contentions by the respondent (party-in-person)**

**10.** The respondent appeared as party-in-person. Be it noted here that having regard to the complexity of the legal issue involved in the present matter, this Court offered to provide the respondent-

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<sup>5</sup> (2013) 8 SCC 32



employee with the services of a Legal-aid counsel through the High Court Legal Services Authority. Although the petitioner initially accepted the said offer, he has subsequently expressed his desire to proceed in-person and has declined the assistance of the empanelled counsel.

**11.** As the respondent appeared in-person and advanced arguments in Hindi, this Court has, with a view to effectively adjudicate the matter and contextualise the submissions within established legal frameworks, distilled the contentions into a legalistic format and referred to relevant authorities supporting the substance of the arguments.

**12.** The respondent in-person contended:

- (i) That the learned Single Judge was justified in exercising review jurisdiction to prevent grave injustice.
- (ii) That the service difficulties arose primarily due to the respondent's efforts to pursue higher education with a view to self-improvement, which repeatedly conflicted with his postings outside Hyderabad. The respondent's requests for transfer on educational grounds were rejected, leaving him with no viable alternative.
- (iii) That during the relevant period, the respondent's family suffered a severe personal tragedy owing to the sudden demise of his elder brother, who was also serving in the CISF. The

emotional trauma caused by this event, coupled with the respondent's responsibility towards aged parents, rendered him incapable of reporting back to duty or effectively participating in the departmental proceedings.

- (iv) That he belongs to the Scheduled Tribe community and hails from an impoverished family, and his employment was the sole means of livelihood for his dependents. The punishment of removal from service, which disentitles him to pensionary benefits, had catastrophic consequences for his family.
- (v) That the punishment of removal from service was grossly disproportionate to the misconduct alleged, as the respondent's total absence of approximately 107 days over a service span of 14 years, which viewed in the backdrop of personal hardship and his low-ranking position, did not warrant the severest penalty under service jurisprudence.
- (vi) That similarly situated employees, including one of his batchmates, charged with a similar misconduct of unauthorised absence had been awarded the lesser penalty of compulsory retirement with pensionary benefits, and that denial of similar treatment amounted to discrimination.
- (vii) That the respondent's mental and emotional condition following his brother's death constituted a significant mitigating circumstance, which was not given due

consideration by the disciplinary authority or the original writ court.

(viii) That the expression "any other sufficient reason" under Order XLVII Rule 1 CPC is wide enough to encompass cases where failure to review would result in manifest injustice. Reliance is placed on ***S. Nagaraj and others v. State of Karnataka and others***<sup>6</sup> to contend that Courts possess inherent power to correct orders that result in miscarriage of justice.

(ix) That the modification of punishment from removal to compulsory retirement strikes a just balance between the requirement of discipline and the need for compassion, and that the impugned order does not warrant interference.

**13.** We have taken note of the respective contentions urged and material on record.

#### **Consideration by this Court**

**14.** It is to be noted that the power of review under Order XLVII Rule 1 of CPC is a limited and exceptional jurisdiction. Review is permissible only on the grounds of discovery of new and important matter or evidence, which after exercise of due diligence was not within the knowledge of the applicant, or on account of an error apparent on the face of the record, or for any other sufficient reason analogous thereto.

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<sup>6</sup> MANU/SC/0797/1993

15. It is well settled through a catena of decisions of the Hon'ble Supreme Court that review proceedings cannot be treated as an appeal in disguise. A review court does not sit in appeal over its own judgment, nor can it re-hear the matter on merits merely because another view is possible. The object of review is only to correct a patent error and not to substitute a different opinion.

16. The Apex Court in ***Yashwant Sinha and others v. Central Bureau of Investigation through its Director and another***<sup>7</sup> has categorically held that review lies only for correction of a manifest error and that re-appreciation of evidence or re-consideration of conclusions already arrived at is impermissible. Similarly, in ***Kamlesh Verma*** (supra 5), the principles governing review jurisdiction have been succinctly summarized, holding that repetition of old arguments and re-examination of issues already decided do not constitute grounds for review, which is extracted hereunder for ready reference:

**20.2. When the review will not be maintainable:**

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.

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<sup>7</sup> (2020) 2 SCC 338

*(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.*

*(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.*

*(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.*

**17.** A perusal of the review petition filed by the respondent discloses that the grounds urged therein, pertain essentially to the alleged disproportionality of punishment, length of service, personal hardship, and socio-economic background of the respondent. These issues were already urged and considered in the original writ proceedings and formed the subject matter of adjudication in the order dated 15.06.2018. While this Court is not insensitive to the respondent's personal circumstances the factors such as, his tribal background, family tragedy etc., however compelling, cannot override the paramount need for discipline and accountability in an uniformed force. The respondent's failure to respond to multiple notices and participate in the departmental proceedings demonstrates a wilful disregard.

**18.** The learned Single Judge, while allowing the review petition, undertook a fresh assessment of the proportionality of punishment, the period of absence, and the respondent's service tenure, and on such re-evaluation concluded that the punishment of removal from service was disproportionate. This exercise amounts to re-appreciation of facts and substitution of a different view on the same material, which is impermissible in review jurisdiction. This Court

acknowledges the respondent's long service of 14 years and the severe impact of removal without pension on his family. These are undeniably sympathetic factors. However, the role of a Court in judicial review is not to act as a super-disciplinary authority. The penalty of removal, imposed after due process and upheld by the appellate and revisional authorities as well as the learned Single Judge in original jurisdiction cannot be termed *per se* perverse or shockingly disproportionate in the context of a habitual offender in a disciplined force. To allow personal hardships to routinely mitigate penalties for absenteeism would erode discipline and set an unworkable precedent for forces where presence and reliability are non-negotiable.

**19.** While this Court is not unmoved by the respondent's plea for compassion, the imperatives of institutional discipline, the limited scope of review jurisdiction, and the need to maintain integrity of hierarchal adjudication compel the restoration of the original order.

**20.** It is to be noted that the original order dated 15.06.2018 had expressly considered the respondent's past service record, repeated acts of unauthorized absence, and the nature of duties in a disciplined force. The impugned order does not point out any patent or self-evident error in the said findings. The mere formation of a different opinion on proportionality does not constitute an "error apparent on the face of the record".

**21.** It is to be noted that an error apparent must be manifest and obvious, not one which requires a long-drawn process of reasoning or permits two plausible views. In the present case the question of proportionality of punishment necessarily involves an evaluative exercise, and a more sympathetic assessment cannot retrospectively render the earlier view erroneous in law.

**22.** Further, it is also not in dispute that no new or additional material was placed before the Court in review. The impugned order is founded entirely on the same factual matrix which had already been examined in the original writ petition. Thus, the impugned order passed in review travels beyond the permissible contours of Order XLVII Rule 1 CPC.

**23.** On perusal of the record, it indicates that the respondent's service record reveals two major and six minor punishments, largely on account of overstay of leave and unauthorized absence. The charge in question was not an isolated instance but part of a continuing pattern of indiscipline of the respondent. Further, the respondent failure to report back to duty despite repeated call-up notices and failure to participate in the departmental enquiry, and the submission of a resignation letter while on leave reflects a lack of commitment to service.

**24.** The CISF being a central armed police force entrusted with the protection of vital installations. Discipline and availability are

foundational to its functioning. In such forces, unauthorized absence, even for limited periods, has serious operational implications. The Hon'ble Supreme Court in ***Deputy Inspector General of Police v. S. Samuthiram***<sup>8</sup> by reiterating the view taken in ***State Bank of Hyderabad v. P. Kata Rao***<sup>9</sup> has consistently cautioned that Courts must exercise great restraint while interfering with punishment imposed in disciplinary matters concerning uniformed services.

25. In the present case, the disciplinary authority, appellate authority, revisional authority, and the writ Court in its original jurisdiction concurrently found the penalty justified. This Court is unable to hold that the punishment imposed shocks the judicial conscience. Therefore, the punishment imposed cannot be said to be shockingly disproportionate so as to warrant interference.

### **Conclusion**

26. For the foregoing reasons, this Court is of the considered opinion that the learned Single Judge exceeded the limits of review jurisdiction in allowing Review I.A. No.1 of 2018 on grounds not contemplated under Order XLVII Rule 1 of CPC. Consequently, the order dated 18.03.2025 passed by the learned Single Judge in Review I.A. No.1 of 2018 in W.P. No.6403 of 2013 is held to be unsustainable in law.

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<sup>8</sup> MANU/SC/1029/2012

<sup>9</sup> MANU/SC/7518/2008



27. Accordingly, the Writ Appeal is allowed and the order dated 18.03.2025 passed by the learned Single Judge in Review I.A. No.1 of 2018 in W.P. No.6403 of 2013 is set aside. In view of the above, the order dated 15.06.2018 passed in W.P. No.6403 of 2013 dismissing the writ petition and affirming the penalty of removal from service imposed upon the respondent stands restored.

28. In consequence thereof, the directions issued in the impugned review order relating to grant of pensionary and retirement benefits are vacated, and the respondent shall not be entitled to any pensionary benefits consequent upon removal from service. However, terminal benefits, if any, such as General Provident Fund (GPF), which are otherwise admissible and not liable to forfeiture under the applicable Rules, shall be released in accordance with law, subject to compliance with the prescribed formalities. No order as to costs.

As a sequel, the miscellaneous petitions, if any, shall stand closed.

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SD/-M.RAMANA KRISHNA  
JOINT REGISTRAR  
SECTION OFFICER

To,

1. Union of India, Rep. by its Inspector General, South Sector, Central Industrial Security Force, Ministry of Home Affairs, CISF South Sector Headquarters, Chennai Port Trust, Chennai.
2. The Deputy Inspector General, Central Industrial Security Force, Ministry of Home Affairs, Department of Space Head Quarters, Antariksha Bhavan, New BEL Road, Bangalore.
3. The Commandant, Central Industrial Security Force, Ministry of Home Affairs, CISF Unit, VSSC, Thumba, Kerala State.
4. The Assistant Commandant, Central Industrial Security Force, Ministry of Home Affairs, CISF Unit, NRSC, Balanagar, Hyderabad - 625.
5. One CC to Sri Aravind Kumar Kata, SC for Central Government COUNSEL [OPUC]
6. One CC to Sri Kishan Kumar, Azmeera, Party in person[OPUC]

7. Two CD Copies  
TJ

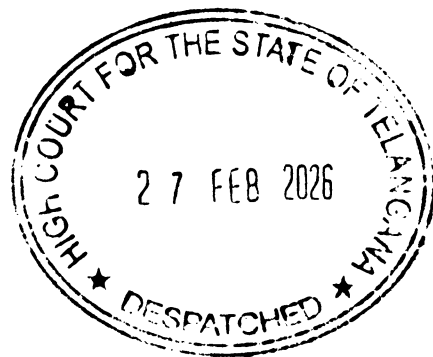
CHR

**HIGH COURT**

**DATED:10/02/2026**

**JUDGMENT**

**WA.No.963 of 2025**



**ALLOWING THE WRIT APPEAL  
WITHOUT COSTS**

⑨ CHR  
23/2/26