

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.10415 of 2015

E.Venkatesan

...Petitioner

Versus

1. The Union of India,
Rep. By the Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Director General of Police,
Directorate General, CRPF,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
3. The Inspector General of Police,
Srinagar Sector, CRPF,
Pantha Chowk, Srinagar,
Jammu & Kashmir.
4. The Deputy Inspector General of Police,
CRPF, Srinagar South,
Srinagar, C/O 56 APO.
5. The Deputy Inspector General of Police,
GC, CRPF, Srinagar, C/O 56 APO,
Jammu & Kashmir.
6. The Commandant,
18Bn, CRPF,
Kulgam, C/O 56 APO,
Jammu & Kashmir.

...Respondents

Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider petitioner's application dated 10.08.2013 and re-instate him into service by withdrawing the order of his voluntary retirement.

For Petitioner : Dr.R.Gouri

For Respondents : Mr.R.Veludas, ACGSC

O R D E R

The petitioner was working in Central Reserve Police Force as Cook from 24.04.1991. He sought for voluntary retirement through his letter dated 14.02.2013. His request for voluntary retirement was accepted on 01.04.2013. He was also relieved from his duties thereafter.

2. The petitioner has made a representation/application dated 10.08.2013 for withdrawal of voluntary retirement.

3. It is to be noted that in such circumstances, the petitioner cannot seek, as a matter of right, to withdraw the application for voluntary retirement. However, it is stated by the learned counsel for the petitioner that the respondents have power to relax the rule and permit the employee to withdraw the application for Voluntary Retirement from Service even after it is accepted and the employee was relieved from service.

4. The sixth respondent under whom the petitioner lastly worked as a cook made recommendations dated 14.08.2013 to the fourth respondent to consider favourably the petitioner's application regarding withdrawal of Voluntary Retirement Notice by relaxing the rule. The relevant portion of the said letter is extracted hereunder :

4. However, the undersigned feels that the applicant is in real need of service to finance schooling of his children and also to meet other day to day needs for which he may not have sufficient money after his V/R. Since the power to relax the above rules lies with Ministry of concerned Department under the provision contained in Rule 88 of CCS (Pension) Rules 1972, hence may I request you to kindly take up his case on humanitarian ground through proper channel with Ministry of Home Affairs for according necessary relaxation the rules for withdrawal of voluntary retirement of above individual as one time measure. The application of the individual is also enclosed herewith.

5. In these circumstances, the petitioner has filed this Writ Petition seeking for a direction to dispose of his representation dated 10.08.2013, for which recommendation was made by the sixth respondent to the second and fourth respondents.

6. In view of the narrow prayer made, the second respondent is directed to pass appropriate orders on the recommendations of the

sixth respondent as mentioned in his letter dated 14.08.2013 and 31.03.2014, within a period of 12 weeks from the date of receipt of a copy of this order. If the second respondent thinks fit that recommendation should be made to the first respondent for passing suitable orders, such recommendations shall be given by the second respondent and in turn, the first respondent shall pass necessary orders thereon within a period of six weeks thereafter. If the first or second respondent, in case, refuses to accept the recommendations made, final orders could be passed on the application of the petitioner dated 10.08.2013 within a period of twelve weeks from the date of receipt of recommendations on this issue.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

nvsri/ds

To

1. The Secretary,
The Union of India,
Ministry of Home Affairs,
New Delhi.
2. The Director General of Police,
Directorate General, CRPF,
CGO Complex, Lodhi Road,
New Delhi - 110 003. सत्यमेव जयते
3. The Inspector General of Police,
Srinagar Sector, CRPF,
Pantha Chowk, Srinagar,
Jammu & Kashmir.
4. The Deputy Inspector General of Police,
CRPF, Srinagar South,
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5. The Deputy Inspector General of Police,
GC, CRPF, Srinagar,
C/O 56 APO,
Jammu & Kashmir.

6. The Commandant,
18Bn, CRPF,
Kulgam, C/O 56 APO,
Jammu & Kashmir.

1 CC to Dr.R.Gouri, Advocate SR.No. 20525

1 CC to Mr.R.Veludas, Advocate SR.No. 19858

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BKY (CO)
PSI (18.05.2015)



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