

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.15357 of 2016 and
W.M.P. Nos.13391 & 13392 of 2016

Parusha Rami Reddy

.. Petitioner

-vs-

1.Union of India,
rep. by its Secretary,
Ministry of Home Affairs,
Gruhamantralayam, New Delhi.

2.Director General,
Central Industrial Security Force (CISF),
Gruhamantralayam, New Delhi.

3.Inspector General,
Central Industrial Security Force (CISF),
Ministry of Home Affairs,
Block "D", Rajaji Bhavan,
Besant Nagar,
Chennai 90, Tamil Nadu.

4.Group Commandant,
Central Industrial Security Force (CISF),
Ministry of Home Affairs,
Block "D" Rajaji Bhavan,
Besant Nagar,
Chennai-600 090, Tamil Nadu.

5.Commandant,
Central Industrial Security Force (CISF),
Bharat Dynamics Limited,
Kanchanbagh, Hyderabad.

6.Deputy Commandant,
Central Industrial Security Force (CISF),
Ministry of Home Affairs,
CISF Unit, SSP, Salem,
Tamil Nadu.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the respondents, their men, agents, subordinates, servants or any one acting under or through them from in any manner proceeding with the

disciplinary proceeding against the petitioner initiated vide Memorandum dated 01.02.2016 bearing No.V-15014/GHC/AD.VI/DIOM(D)/2016/239 until conclusion of the criminal proceeding pending investigation in Crime No.288/2015 dated 24.12.2015 on the file of the Inspector of Police, Kanchanbagh Police Station, Hyderabad.

For Petitioner : Mr.K.M.D.Muhilan

For respondents: Mr.S.Namo Narayanan
CGSPC

O R D E R

This writ petition has been filed by the petitioner, seeking a writ of mandamus forbearing the respondents, their men, agents, subordinates, servants or any one acting under or through them from in any manner proceeding with the disciplinary proceeding against him initiated vide Memorandum dated 01.02.2016 bearing No.V-15014/GHC/AD.VI/DIOM(D)/2016/239 until conclusion of the criminal proceeding pending investigation in Crime No.288/2015 dated 24.12.2015 on the file of the Inspector of Police, Kanchanbagh Police Station, Hyderabad.

2.The case of the petitioner is that he was recruited as a Constable (Fire) in Central Industrial Security Force (CISF) in the year 1996. When he was posted at Bharat Dynamics Limited, Kanchanbagh, Hyderabad Unit, a false complaint was made against him on 02.12.2015 by one Manisha Laguri, who is his neighbour at the CISF Quarters, stating that he has misbehaved with her, while he took back his house key from her. On the basis of the said false allegation, she lodged a complaint with the Inspector of Police, Kachanbagh Police Station on 24.12.2015, which was registered in Crime No.288/2015 under Sections 448, 354 A1 (i) and 506 of IPC and the same is pending on the file of the learned VII Additional Chief Metropolitan Magistrate, Hyderabad. While so, a Memorandum dated 01.02.2016 bearing No.V-15014/GHC/AD.VI/DIOM(D)/2016/239, has been issued against him by the fourth respondent. The petitioner has given a reply dated 11.02.2016 to the fourth respondent, requesting him to drop all the charges levelled against him. While so, the petitioner has been issued with a show cause notice dated 04.03.2016 by the sixth respondent informing him to take part in the enquiry.

3.If the charges levelled against the petitioner before the departmental proceedings and a criminal case pending before the learned VII Additional Chief Metropolitan Magistrate, Hyderabad are one and the same, the respondent cannot proceed with the departmental proceeding. But the petitioner has not filed a copy of the charge sheet to be filed before the criminal court because till date the charge sheet has not been filed. Unless the charge sheet is filed before the Criminal Court, the petitioner cannot say that such charges are one and the same, which is required to

prove the same. As the charges levelled against the petitioner appear to be serious, he has to face the enquiry. Therefore, this Court is not inclined to entertain this petition, by invoking Article 226 of the Constitution of India to issue a writ of mandamus, in favour of the petitioner. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected M.Ps are also dismissed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

vga

To

1.The Secretary
Union of India,
Ministry of Home Affairs,
Gruhamantralayam, New Delhi.

2.Director General,
Central Industrial Security Force (CISF),
Gruhamantralayam, New Delhi.

3.Inspector General,
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Ministry of Home Affairs,
CISF Unit, SSP, Salem,
Tamil Nadu.

1 cc to Mr.K. M.D. Muhilan, Advocate, SR. 26391
1 cc to Mr.S. Namonarayanan, CGSPA, Advocate, Sr. 25780

W.P. No.15357 of 2016

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