

In the High Court of Judicature at Madras

Dated : 18.08.2016

Coram :

The Hon'ble Mr.Justice B.RAJENDRAN

Writ Petition No.28834 of 2016
and W.M.P.No.24902 of 2016

S.Raja Sekhara Reddy

...Petitioner

Vs

- 1.The Union of India
rep. by its Secretary to Government
Ministry of Home Affairs
New Delhi.
- 2.The Director General
Central Industrial Security Force
CGO Complex
Lodhi Road
New Delhi-600 003.
- 3.The Inspector General
Central Industrial Security Force
Southern Sector
Near War Memorial
Chennai Port Trust Campus
Chennai-600 009.
- 4.The Deputy Inspector General
Central Industrial Security Force
RTC, Arakkonam
Vellore District-631 152.
- 5.The Deputy Inspector General
Central Industrial Security Force Unit
Indira Gandhi International Airport
New Delhi.
- 6.The Commandant
Central Industrial Security Force
RTC, Arakkonam
Vellore District-631 152.

...Respondents

PETITION under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Office Memorandum issued by the 6th respondent, dated 04.08.2016, in his Order No.V-15014/CISF/RTC(A)/DISC/SRR/MAJ/2016/4961 and quash the same and to direct the respondents to furnish the petitioner the records relating to the enquiry held in the year 2008 so as to enable the petitioner to file the written statement of defence.

For Petitioner : Mr.M.MD.Ibrahim Ali

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 6th respondent, dated 04.08.2016.

2. According to the petitioner, as early as in the year 2008, a civilian, by name, P.Parvathi had lodged a complaint against the petitioner. On the basis of which, a preliminary enquiry had been conducted and the same was closed. Thereafter, the same civilian P.Parvathi submitted another complaint on 23.07.2015 on the very same allegation. A preliminary enquiry was ordered and the statement of civilian P.Parvathi was recorded. The petitioner made a representation on 07.03.2016 to the 4th respondent to provide the entire records relating to the preliminary enquiry conducted in the year 2008 in ASG Delhi. By the order, dated 18.03.2016, the 4th respondent has rejected the request on the ground that it is not relevant to the present enquiry. Challenging the same, the petitioner has earlier filed

W.P.No.25379 of 2016 and this Court, by order dated 21.07.2016, directed the petitioner to appear before the authority concerned and to raise all the pleas. When the petitioner again insisted for the document, the present impugned order has been passed. Challenging the same, the present Writ Petition has been filed.

3. Mr.M.Md.Ibrahim Ali, the learned counsel appearing for the petitioner, would contend that without the records relating to the preliminary enquiry conducted in the year 2008 in ASG Delhi, the petitioner cannot proceed further.

4. On a careful perusal of the earlier order in W.P.No.25379 of 2016, dated 21.07.2016, which was passed by me, I have very specifically stated that though, the learned counsel for the petitioner has raised a plea that the petitioner is in need of documents, especially, the documents relating to the alleged enquiry, which was conducted in the year 2008, it is not established by the petitioner as to whether such an enquiry took place in the year 2008, that too in respect of the very same subject matter, therefore, his representation was rightly rejected, on 18.03.2016. I have further held that the petitioner can very well appear before the authority concerned and can raise all the pleas and he shall also co-operate with the enquiry.

5. Since, the petitioner again insisted for the entire records relating to the preliminary enquiry conducted in the year 2008 in ASG Delhi, the present

impugned order has been passed by the 6th respondent, on 04.08.2016. On a perusal of the impugned order, it is seen that in the said order, the 6th respondent has clearly stated that the records of the preliminary enquiry conducted in the year 2008 in respect of the petitioner has already been "weeded out" in the year 2012. Thus, it is crystal clear that following the norms, the records pertaining to the year 2008 has been weeded out in the year 2012, in which, this Court cannot find any fault with. Therefore, I do not find any reason to interfere with the reasoned order passed by the 6th respondent, dated 04.08.2016. The Writ Petition is dismissed at the stage of admission itself. It is made clear that it is for the petitioner to establish his case, that the said P.Parvathi is not his legally wedded wife, in the manner known to law. The connected Miscellaneous Petition is closed. There shall be no order as to costs.

18.08.2016

Index : Yes/No

Internet : Yes/No

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