

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.15602 & 15956 OF 2010

DATED : 19.09.2016

W.P.No.15602 of 2010

Between :

Mr. R.S.More S/o.Shankar Bhau More,
Aged 47 yrs, Staff No.844500582,
Head Constable (Compulsory Retired),
R/o.Room No.4, Lakubhai Patelchawl, Overipada, S.V.Road,
Dahisar East, Mumbai-68,
Maharastra State.

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Petitioner

And

Central Industrial Security Force,
(Ministry of Home Affairs),
rep., by its Deputy Inspector of General,
South Zone Headquarters,
Chennai & 2 others.

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Respondents

W.P.No.15956 of 2010

Between :

Mr. Jarnail Singh S/o.L.Sh.Ramlal,
Aged 48 yrs, CISF.No.854340129,
Head Constable (Compulsory Retired),
Quarter No.307-F, CISF New Complex,
Visakhapatnam Steel Plant,
Ukkunagaram, Visakhapatnam.

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Petitioner

And

Central Industrial Security Force,
(Ministry of Home Affairs),
rep., by its Deputy Inspector of General,
South Zone Headquarters,
Chennai & 2 others.

..

Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION Nos. 15602 & 15956 of 2010****COMMON ORDER :**

Petitioners in these writ petitions challenge the order of compulsory retirement by way of punishment. Though departmental appeal is available to them, without availing the said remedy of appeal, these writ petitions are directly instituted on the ground that the order is passed by the appellate authority.

2. It is not in dispute that against an order of appellate authority also further appeal lies. In para 9 and 14 of the respective counter affidavits filed on behalf of the respondents, specific objection was raised on the maintainability of the writ petitions on the ground that an appeal shall lie and without exhausting the remedy of appeal, these writ petitions are filed.

3. Having regard to the objection raised, learned Senior counsel for the petitioners fairly submit that petitioners would avail the remedy of appeal and prayed for granting liberty to prefer appeal, leaving it open to the petitioners to raise all the contentions urged in these writ petitions. He would further submit that at the time of admission, this Court granted interim suspension of the order of compulsory retirement and accordingly petitioners are continued and the vacate stay petition filed by the respondents was dismissed.

4. Having regard to the submissions of learned Senior counsel for the petitioners and the objection of the respondents, writ petitions are disposed of granting liberty to the petitioners to avail the remedy of appeal against the orders of punishment imposed

against them. It is made clear that all the contentions urged in these writ petitions are left open for the petitioners to raise in appropriate proceedings and before the appellate authority. Having regard to the fact that consequent to suspension of the order of compulsory retirement, the petitioners are continued, pending disposal of the appeals they shall be continued in service. The petitioners shall prefer appeals within a period of two months from the date of receipt of copy of this order. It is directed that the appeals shall be disposed of, as expeditiously as possible, preferably within a period of three months from the date of receipt of copies of appeals. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

19th September, 2016
Rds

P.NAVEEN RAO,J

