

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.33015 of 2017

and

W.M.P.Nos.36380 & 36381 of 2017

A.Mangan

... Petitioner

Vs.

1.The Union of India

rep by the Secretary to Government,
Ministry of Railways,
Rail Bhavan, New Delhi-110 001.

2.The Director General of Police,

Railway Protection Force (RPF),
Ministry of Railways,
Rail Bhavan, New Delhi-110 001.

3.The Deputy Inspector General-cum-

Addl Chief Security Commissioner,
Office of the CSC/RPF/MAS,
Southern Railway,
Chennai-600 003.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order in No.CXP/19099/64/DAR, dated 23.02.2017 passed by the 3rd respondent herein and quash the same and to direct the 1st respondent to consider the petitioner's request for sanction of minimum pension or compassionate allowance, after condoning the shortfall of minimum service of ten years, if any, and sanction minimum monthly pension or compassionate allowance to him, as the case may be, with retrospective effect from the date of his removal from service i.e., 01.08.1964.

For Petitioner : Mr.S.Arunkumar

For Respondents : No appearance

ORDER

This writ petition has been filed by the petitioner, seeking pensionary benefits, with a delay of more than 1/2 century from the date of removal of the petitioner from the service, which took place on 01.08.1964.

2.The learned counsel for the petitioner would submit that when the petitioner was appointed as a Defence Counsel to a co-worker/delinquent by name Sangupillai, Rakshak/RPF/TPGY in a departmental enquiry, the Enquiry Officer Mr.R.Ramakrishnan requested the petitioner to cooperate with him to spoil the career of the delinquent Sangupillai. But, the petitioner refused to carry out the unlawful and malafide instructions of the said Enquiry Officer to do such an illegal act. Thereafter, the delinquent Sangupillai succeeded in the departmental proceeding and he was later reinstated in the service. To wreak vengeance against the petitioner as he did not cooperate with the said Ramakrishnan in the enquiry conducted in respect of the delinquent Sangupillai, a false department proceeding was initiated against the petitioner, as a result of which he was removed from service on 01.08.1964. The petitioner on the date of removal from service has not put in 10 years of service and therefore, he has given a representation for payment of pro-rata pension.

3.This Court could have considered the case of the petitioner, had he rendered pensionable service of ten years. But, the petitioner in the present case has not even rendered pensionable service of 10 years. Secondly, he has not come to this Court immediately after the order of removal from service was passed. Since there has been huge delay of more than a half century, which has not been properly explained by the petitioner, this Court is unable to find any justification in entertaining the writ petition, as the petitioner is held guilty of laches.

4.The writ petition is dismissed accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

SSV

To

1.The Secretary to Government,
Union of India
Ministry of Railways,
Rail Bhavan, New Delhi-110 001.

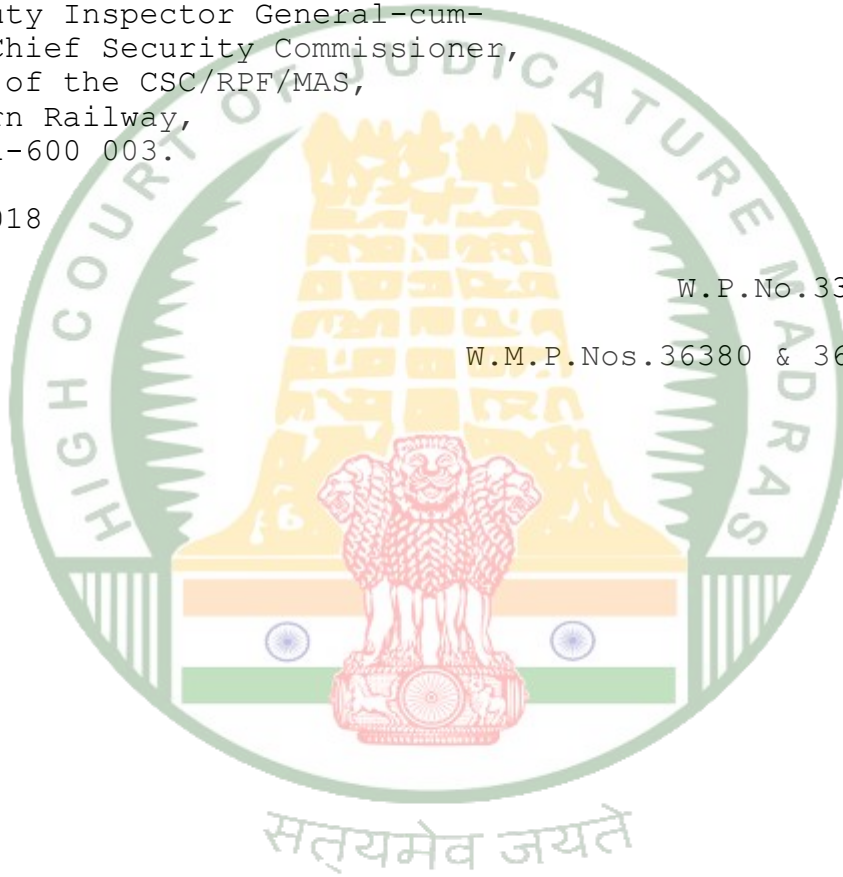
2.The Director General of Police,
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Rail Bhavan, New Delhi-110 001.

3.The Deputy Inspector General-cum-
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sm:23.2.2018

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