

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.21930 of 2016

and

W.M.P.Nos.18770 & 18771 of 2016

Mr.I.Srinivas Naik

... Petitioner

Vs.

- 1.The Union of India,
rep.by the Secretary,
Ministry of Home Affairs,
New Delhi.
 - 2.The Director General,
Central Industrial Security Force,
CISF Headquarters,
Block No.13, CGO Complex,
Lodhi Road, New Delhi.
 - 3.The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhawan,
Besant Nagar, Chennai-600 090.
 - 4.The Group Commandant,
Central Industrial Security Force,
Group Head Quarters,
Block No.C-2,
Kendriya Bhavan,
Post CSEZ, Cochin-37.
 - 5.The Deputy Commandant,
Central Industrial Security Force UNIT,
NMPT, Mangalore.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 5th respondent dated 18.06.2015 in his order No.E-42099/IMB/GHC/ADM-I/2015/3076 insofar as the portion relating to the direction contained in Paragraph-3(i) and 3(ii) are

concerned and the order passed by the 2nd respondent in his Service Order No.117/2016 in E-38014/21/33rd-IZT-16/T/542 dated 12.02.2016 insofar as the Item No.1701 is concerned and to quash the same and to direct the respondents to permit the petitioner to continue in service till 31.03.2026 in the Central Industrial Security Force and to provide Sedentary Duties like line duty in Canteen or in Library etc and to pay all monetary benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.J.Madanagopal Rao, Sr CGSC

ORDER

This writ petition has been filed praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 5th respondent dated 18.06.2015 in his order No.E-42099/IMB/GHC/ADM-I/2015/3076 insofar as the portions relating to the directions contained in Paragraph-3(i) and 3(ii) are concerned and the order passed by the 2nd respondent in his Service Order No.117/2016 in E-38014/21/33rd-IZT-16/T/542 dated 12.02.2016, insofar as the Item No.1701 is concerned, and to quash the same and consequently, to direct the respondents to permit the petitioner to continue in service till 31.03.2026 in the Central Industrial Security Force and to provide Sedentary Duties like line duty in Canteen or in Library etc and to pay all monetary benefits.

2.Today, when the matter is taken up, the learned Senior Central Government Standing Counsel Mr.J.Madanagopal Rao, by producing the order passed by the Office of the Group Commandant, Central Industrial Security Force, Ministry of Home Affairs (4th respondent herein) vide proceedings No.F-42099/IMB/GHC/ADM-1/2017/840, dated 15.07.2017, and on ground of medical unfitness, the petitioner was ordered to retire from service. The relevant portion in the said order of the 4th respondent reads as follows_

"Now, therefore, the undersigned in exercise of powers conferred by Rule 91B(3) of CISF Rules 2001 hereby order the retirement of No.892299313 Constable/GD I.Srinivasa Naik of CISF Unit NMPT Mangalore on the grounds of Medical Unfitness with the date of receipt of this order."

3.In view of the above, the prayer sought for by the writ petitioner cannot be entertained as he has already been ordered

to retire from service. Hence, the writ petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

ssv

To

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

2.The Director General,
Central Industrial Security Force,
CISF Headquarters,
Block No.13, CGO Complex,
Lodhi Road, New Delhi.

3.The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhawan,
Besant Nagar, Chennai-600 090.

4.The Group Commandant,
Central Industrial Security Force,
Group Head Quarters,
Block No.C-2,
Kendriya Bhavan,
Post CSEZ, Cochin-37.

5.The Deputy Commandant,
Central Industrial Security Force UNIT,
NMPT, Mangalore.

+1cc to Mr.J.Madanagopal Rao, Advocate SR.No.79088

W.P.No.21930 of 2016
and

W.M.P.Nos.18770 & 18771 of 2016

KK (CO)
GN (29/11/2017)