



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12662 of 2017

and

W.M.P. (MD) No.9770 of 2017

G.Swaminathan

... Petitioner

vs.

1.The Secretary to Government,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi-110 011.

2.The Director General,
CRPF, O/o. Directorate General,
Block No.1, CGO Complex,
Lodhi Road, New Delhi-110 003.

3.The Inspector General of Police,
O/o. The Inspector General of Police,
Western Sector, CRPF, Navi Mumbai.

4.The Commandant,
122 Battalion,
CRPF, Andheria More,
New Delhi-110 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 2nd respondent dated 08.09.2015, bearing no. W.V.49/2015-WEL-II (GR-4)), quash the same and direct the respondents to pay pensionary benefits.

For Petitioner

: Mr.K.Suresh Kumar

For Respondents

: M/s.S.Srimathi

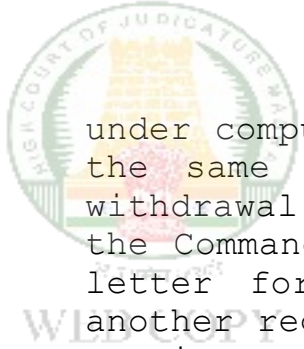
Senior Standing Central Govt. Counsel

O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The petitioner is said to have given his resignation letter



under compulsion in the year 2005. After realizing the mistake, on the same day, he claimed to have given a written letter for withdrawal of resignation on 30.09.2005. On receipt of the same, the Commandant 122 Battalion issued a letter asking him to send a letter for consideration. Therefore, the petitioner has sent another request letter on 13.02.2006 for reinstatement or grant of pension. Although there was an acknowledgement of his letter, the Commandant, 122 Battalion, passed an order rejecting the request of the petitioner on 20.11.2009 stating that there was no provision for reinstatement in service, after completion of four years of resignation. The petitioner neither challenged the said letter dated 20.11.2009, nor the subsequent orders dated 25.01.2010 passed by the IGP and another order dated 12.07.2011 passed by the Director General, (CRPF).

3. Having kept quite for almost 10 years, he suffered one more order on 08.09.2015 rejecting his further request for payment of pension and other benefits citing a reason that the Government servant, who is quitting service, on request, will not be entitled to any gratuity or pensionary benefits.

4. The learned counsel for the petitioner would submit that since the competent authority has wrongly passed an order dated 20.11.2009, and another order dated 25.01.2010, he has approached the first respondent, who is the competent authority and after getting an order of rejection from the first respondent, he is before this Court.

5. The petitioner has neither challenged the original order rejecting his request for reinstatement dated 20.11.2009 passed by the Commandant 122 Battalion nor the latest order dated 08.09.2015 passed by DIG Welfare Department. Even the said order dated 08.09.2015 does not carry any weightage, which has been passed with a huge delay. Therefore, this Court is not inclined to entertain the huge and inordinate delay. The present writ petition filed with a huge delay cannot be condoned.

6. The record shows that the petitioner had already resigned from service. Therefore, this Court is not able to find any merit in the order passed by the Commandant 122 Battalion in the year 2009 and the subsequent orders passed by others.

7. In view of the above observations and discussions, this writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/



To

1.The Secretary to Government,
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O/o. The Inspector General of Police,
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4.The Commandant,
122 Battalion,
CRPF, Andheria More,
New Delhi-110 001.

+1cc to Mr.S.M.S.JOHNY BASHA, Advocate, SR.64225

+1cc to Mr.K.SURESHKUMAR, Advocate, SR.64334

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MRN/RR

KK/JC/SAR1-21.08.2017-3P-7C