

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1936 of 2018

S.Gaja Rajan

Appellant/Petitioner

Versus

1. The Deputy Inspector General
of Police, CRPF, Hyderabad,
Andhra Pradesh.
2. The Commandant,
12BN CRPF Kathra
Jammu & Kashmir
3. The Additional DIGP,
Group Centre, CRPF
Avadi Chennai.

Respondents/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 5.2.2010 passed in W.P.No.6881 of 2006 on the file of this court.

Prayer in WP No.: Petition filed under Article 226 of the Constitution of India Praying for the issuance of a writ of Certioraified Mandamus, to Call for the records on the file of the 1st respondent proceedings No. R.XIII - 16/2005-ESTT.3 dated 8.11.2005 and quash the same as illegal incompetent and without jurisdiction and further direct the respondents to restore the petitioner into service together with all attendant benefits.

For appellant : Mr.V.Raghavachari

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant for

some time.

2. Challenging the order of dismissal passed by the learned Single Judge in the writ petition, the petitioner has come up with the present writ appeal.

3. It appears that the appellant/writ petitioner, while serving as Constable in CRPF was removed from service after conduct of enquiry with regard to the charge of unauthorised absence from 4.2.2003 to 24.1.2004 and he had filed the writ petition challenging the order of dismissal passed by the authorities on the appeal filed by him. It further appears that the appellant is said to have involved in a criminal case on the allegation of rape and in such a background, he remained absent from duty without proper intimation to the authorities.

4. The learned Single Judge, having appreciated the factual aspects in detail and dealt with the issue of criminal case faced by the appellant, dismissed the writ petition observing in para 16 of the order to the effect that the appellant, though was involved in a serious crime, never informed the authorities about the real state of affairs and rest contended by sending a letter and a telegram and that the removal of service was not only on the ground of unauthorised absence on account of any domestic problem, but such unauthorised absence resulted on account of his having caught in a serious crime of alleged rape. The learned Single Judge has also observed that the before getting bail order in the criminal proceedings, the appellant was evading from getting arrested and remained in cognito and therefore, he intentionally kept away from reporting to the authorities.

5. In view of the fact that it is not a case of unauthorised absence in simplicitor and the appellant had remained absent with some intention to evade the law having involved in a criminal proceedings, which only resulted in such unauthorised absence, we are of the view that there is no scope for interference with the order passed by the learned Single Judge. The writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

ssk.

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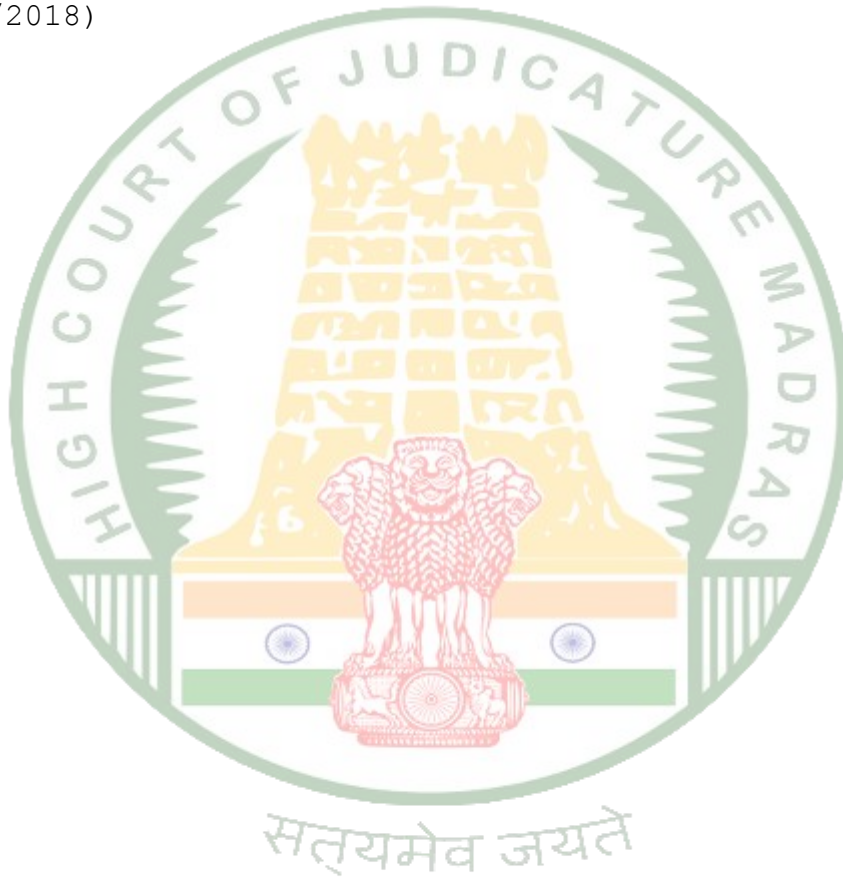
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GMV (17/10/2018)



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