



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD).No.2543 of 2018

C.Muthu Narayanan

... Petitioner

Vs.

The Deputy Inspector General of Police,
Group Centre,
Central Reserve Police Force,
Avadi, Chennai-620 065.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in No.R.II.20/2017-EC.V. dated 13.11.2017 and quash the same and consequently directing the respondent to refund the recovery amount from the petitioner salary together with interest of 18% per annum of Rs.1,25,829/- (Rupees One Lakh Twenty Five Thousand Eight Hundred and Twenty Nine Only) within the time limit stipulated by this court.

For Petitioner	: Mr.D.Selvanayagam
For Respondent	: Mr.R.Nandakumar

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner was originally appointed as a Constable in the Central Reserve Police Force on 28.02.2017. Subsequently, he got appointment as Fireman in the Tamil Nadu Fire Services and Rescue Department. Therefore, he resigned his post as Constable in the Central Reserve Police Force. He submitted his resignation letter. The same was accepted with effect from 19.09.2017. The office order dated 19.09.2017, states that the petitioner resigned job due to the domestic problem. The said office accepted the petitioner's resignation, following the deposit of Rs.1,25,529/- to the department treasury for having incurred on account of training charges. Thereafter, the petitioner filed a representation dated 06.11.2017. The said request was rejected on 13.11.2017.



4.The learned Standing counsel appearing for the respondent took the stand that there is no provision for re-fund of the amount deposited by the petitioner. The said order rejecting the petitioner's request is under challenge in this Writ Petition.

5.The learned counsel appearing for the petitioner submits that as per proviso to Rule 17(A) of the Central Reserve Police Force Rules, 1955, the question of remitting the sum equal to pay and allowances will not arise, if discharge from service is sought for, accepting a job under the Central or State Government or Local Bodies. However, this Court is unable to agree with the said contention of the learned counsel for the petitioner. This is for two reasons:-

6.As rightly pointed out by the learned Senior Standing counsel for the respondent, the proviso to Rule 17(A) of the Central Reserve Police Force, 1955, can be invoked only if the member of the force was granted cadre clearance for accepting the job under the Central or State Government or Local Bodies. In this case, such cadre clearance was not granted. As however pointed out by the learned senior standing counsel there is internal evidence in the material furnished by the petitioner in the typed set of papers. The office order dated 19.09.2017 whereby the petitioner's resignation from Central Reserve Police Force was accepted itself states that the petitioner sought to resign his job due to domestic problem. On the very face of it, it was not accepted to enable the petitioner to join in a job under the State Government or Central Government or Local Bodies. Thus both the requirements set out in the proviso Rule 17(A) of the Central Reserve Police Force, 1955 are not present in this case. This Court therefore sustains the submission of the learned Senior standing counsel for the respondent. There is no merit in the Writ Petition.

7.The Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.R.NANDAKUMAR, ADVOCATE IN SR No. 57475
+ 1 CC TO Mr.D.SELVANAYAGAM, ADVOCATE IN SR No. 57137

TSG

TE/SB/SAR-3 : 26/06/2018 : 2P/3C