



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.[MD]No.1474 of 2018

C.Muthunarayanan : Appellant/Writ Petitioner

Vs.

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

: Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order made in W.P.[MD]No.2543 of 2018 dated 22.03.2018.

Prayer in WP(MD). 2543/ 2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus to 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 Honble Court

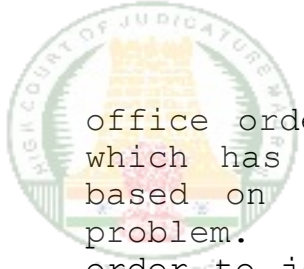
For Appellant : Mr.G.Thalaimutharasu
for Mr.D.Selvanayagam

JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

The present Writ Appeal has been filed seeking to set aside the order passed in W.P.[MD]No.2543 of 2018 dated 22.03.2018.

2.We do not find any merit in this appeal. As rightly held by the learned Single Judge of this Court, the appellant got discharged from the Central Reserve Police Force by stating that he was having a domestic problem. Based upon the above said request only, the



office order dated 19.09.2017, has been passed. The office order which has not been challenged itself makes it clear that it was based on the premise that the appellant was having a domestic problem. It appears that the appellant wanted the office order in order to join the State Service. Having found that there would be difficulties in getting the office order if that reason is disclosed, he gave some other reason on the ground of domestic problem. He also deposited some amount to the department treasury.

3. Thereafter, he joined the State Service. Then, he made representation, seeking refund of the amount deposited by him. Taking note of the above fact and also taking note of the Proviso to Rule 17(a) of the Central Reserve Police Force, 1955, the learned Single Judge has dismissed the writ petition.

4. As the appellant has not approached the respondent with clean hands, we are not inclined to maintain this writ appeal. The appellant cannot be allowed to take a contrast stand to suit his convenience. Being the beneficiary of the office order dated 19.09.2017, law does not permit him to contend otherwise.

5. The writ appeal stands dismissed, accordingly. No costs.

Sd/

Assistant Registrar (ADI)

/True Copy/

Sub Assistant Registrar (CS-III)

To

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

+1 cc to Mr. D. Selvanayagam, Advocate, SR.No. 92615

MR

SS/SKN/SAR 3/10.12.2018/2P/3C

JUDGMENT MADE IN
W.A. [MD] No. 1474 of 2018
25.10.2018