

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No. 1414 of 2013

D. Selvakumar ... Appellant/Petitioner

-vs-

1. The Director General,
Central Reserve Police Force,
C.G.O. Complex,
Lodhi Road,
New Delhi.
2. The Inspector General,
Souther Sector,
Central Reserve Police Force,
Road No. 10-C, Jubilee Hills,
Hyderabad - 33.
3. The Deputy Inspector General of Police,
C.R.P.F., Avadi,
Chennai - 600 065.
4. The Commandant,
91.Bn; C.R.P.F.,
Ashyna, Lucknow,
Uttar Pradesh.

... Respondents/Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letter Patent,
praying to allow the Writ Appeal by setting aside the order
passed by the Learned Judge in W.P. No. 67 of 2013 dated
19.02.2013.

WP.No.67 of 2013 Prayer:

Writ Petition filed under Article 226 of the Constitution of
India, praying for issuance of a Writ of Mandamus to direct the
respondents to pass orders on the representation of the
petitioner dated 9.9.2012 and to pay all the back wages for the
period from 4.12.1992 to 2.8.1998 and all consequential benefits
and promotion to the Petitioner.

For Appellant : Mr. A.S.Mujibur Rahman
For Respondents : Mr. Venkataswamy Babu,
1 to 3 Senior Panel Counsel,
Government of India

J U D G M E N T

(Judgment of the Court was delivered by P.D. AUDIKESAVALU, J.)

The intra-Court Appeal arises out of the order dated 19.02.2013 passed by the Learned Judge in W.P. No. of 67 of 2013.

2. We have heard Mr. A.S. Mujibur Rahman, Learned Counsel appearing for the Appellant, Mr. Mr. Venkataswamy Babu, Learned Senior Panel Counsel, Government of India appearing on behalf of the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The Appellant who was working as a constable in the Central Reserve Police Force (hereinafter referred to as 'CRPF' for short), filed W.P. No. 67 of 2013 in this Court for a direction to the Respondents to pass order on his representation dated 09.09.2012 and pay all back-wages for the period from 04.12.1992 to 02.08.1998 and for consequential benefits and promotion.

4. The Learned Judge before whom the Writ Petition came up for hearing, at the time of admission recorded the written instructions dated 16.02.2013 received from the Office of the Third Respondent, which reads as follows:-

"1. The intervening period w.e.f. 19.11.1993 to 02.08.1998 already regularised and a sum of Rs.1,80,000/- paid to the individual by this department which is also committed by the Petitioner in his affidavit.

2. The detail of amount drawn and paid to the individual held with CRPF Office located at Bangalore and ISA Mount Abu Rajasthan. Hence this Office requested the said formations to inform the factual position.

3. If any less amount paid to the Petitioner the same will be re-drawn immediately on receipt of details from GC CRPF Bangalore and ISA Mount Abu Rajasthan.

4. Since the Petitioner is not approaching the concerned Office for claiming his dues and not reporting to his higher authorities, straightway he filed the subject W.P."

The Writ Petition was dismissed by order dated 19.02.2013 with an observation that it was for the Appellant to approach the Respondents with necessary request.

5. We do not find any error to interfere with the order of the Learned Judge under Appeal. That apart, it requires to be pointed out that at the time of filing the Writ Petition, the Appellant was under the control of the Second Respondent and as such, he ought to have approached only the jurisdictional High Court within whose territorial limits the Office of the Second Respondent falls, viz., the High Court of Andhra Pradesh at Hyderabad in the instant case, having regard to the mandate of clauses (1) and (2) of Article 226 of the Constitution of India, 1950, and the binding judicial decisions governing that aspect, as held by the Division Bench of this Court in C. Ramesh -vs- Director General of Police (Order dated 06.06.2013 in W.P. (MD) No. 8790 of 2013). However, as the Respondents have not objected to the filing of the Writ Petition on that ground before the Learned Judge, we do not intend to go any further on that aspect at this stage of the matter.

6. The Learned Counsel appearing for the Respondents submits that the Second Respondent is willing to consider and pass orders on any representation that may be made by the Appellant, if he still has any grievance to be ventilated.

7. In view of the same, while confirming the order of the Learned Judge and dismissing the Writ Appeal, we grant liberty to the Appellant till 04.03.2019 to make a comprehensive representation before the Second Respondent for redressal of any grievance that he may have with regard to claim made in the Writ Petition. If such representation is made, the Second Respondent shall duly consider the same on merits and pass reasoned orders thereon in accordance with law and communicate the decision taken to the Appellant by 30.04.2019. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vjt

To

1.The Director General,
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Lodhi Road, New Delhi.

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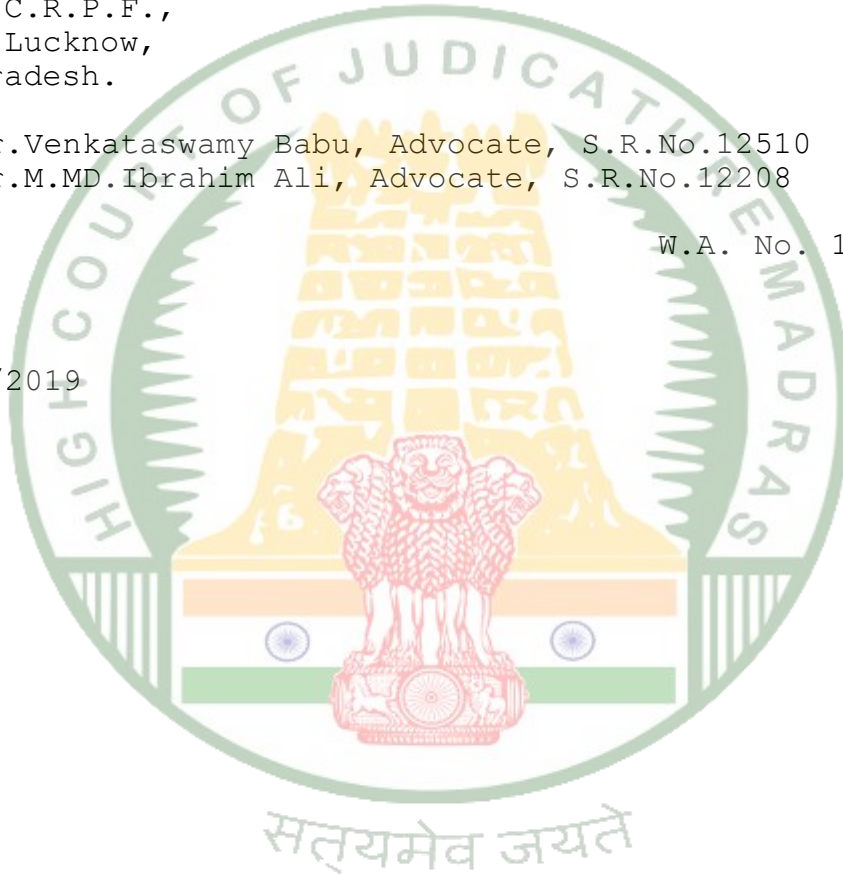
+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No.12510

+1cc to Mr.M.MD.Ibrahim Ali, Advocate, S.R.No.12208

W.A. No. 1414 of 2013

AK(CO)

rrs 19/02/2019



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