

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.02.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3702 of 2019  
and  
W.M.P.No.4081 of 2019

R.Mohan

..Petitioner

vs

1. The Director General,  
Central Industrial Security Force  
No.13, CGO Complex  
Lodhi Road, New Delhi - 110 003
2. The Inspector General  
Central Industrial Security Force  
Near War Memorial, Chennai - 600 009
3. The Deputy Inspector General  
Central Industrial Security Force  
South Zone, Head Quarters  
Rajaji Bhawan, Besant Nagar  
Chennai - 600 090
4. The Deputy Commandant  
Central Industrial Security Force Unit  
CPCL, Manali, Chennai - 600 068
5. The Assistant Commandant  
Central Industrial Security Force Unit  
CPCL, Manali, Chennai - 600 068.

..Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned order passed by the 5<sup>th</sup> respondent in his order No.PR-11019/CISF/CPCL/QM/FA/2019-178, dated 18.01.2019 and quash the same and to direct the respondents to disburse the retirement benefits to the petitioner from 01.04.2018 to till date together with interest at 10% and pass orders on the representation of the petitioner dated 26.12.2018.

For Petitioner : Mr.M.MD.Ibrahim Ali  
For Respondents : Mr.K.S.Jeyaganeshan  
Special Panel Counsel

O R D E R

The order impugned dated 18<sup>th</sup> January 2019 in relation to the retention of family accommodation and exemption of penal rent is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the petitioner joined as Constable in Central Industrial Security Force during the year 1979 and he was serving lastly at Manali, Chennai.

3.The grievances of the writ petitioner is that he was medically invalidated on account of the serious ailments and therefore, he was under continuous treatment. This apart, the medical invalidation benefits including the pension has not been settled in favour of the writ petitioner so far. The circumstances narrated by the learned counsel for the writ petitioner is that no terminal or pensionary benefits are paid to the writ petitioner so far and he was staying in the Government Quarters and it may not be possible for a family to shift the house in the absence of disbursing the salary and other pensionary benefits. The petitioner is penniless and therefore, he was not in a position to shift the family residents and out of compulsion, he was made to continue in the quarters despite the fact he has no intention to continue in the Government quarters.

4.It is stated that on account of compelling circumstances, the petitioner has stayed in the Government quarters and the right of pensionary and terminal benefits are also not considered by the authorities.

5.Under these circumstances, if a penal rent is imposed, the same would affect the livelihood of the writ petitioner as the department also has committed a mistake in not settling the terminal and pensionary benefits.

6.This Court is able to understand the grievances as advanced by the writ petitioner. The writ petitioner was medically invalidated, he was unable to move anywhere. The pensionary and terminal benefits were also not settled. Under these circumstances, no one cannot expect the petitioner to vacate the premises immediately. However, the original authority namely, the Assistant Commandant has not considered all these

aspects and passed a straight order, rejecting the claim of the writ petitioner with reference to the rules. In such cases, an amount of compassion is also required and the authorities concerned to find out the truth behind the circumstances narrated by the writ petitioner. A humane approach is certainly warranted when such nature of personal grievances are raised by the employees.

7. In view of the fact that no such exercise has been done by the original authority, it is necessary to issue direction to consider all these factual aspects by the 1<sup>st</sup> respondent / Director General, Central Industrial Security Force. The writ petitioner has already submitted number of representations to the 1<sup>st</sup> respondent and there is no response. Thus, he is constrained to move the present writ petition.

8. In this view of the matter, the 1<sup>st</sup> respondent is directed to consider the representations submitted by the writ petitioner on 03.10.2018, 26.12.2018 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and also a fresh representation, setting out all the facts to the 1<sup>st</sup> respondent and the documents, if any, along with the order passed in the present writ petition. Till the disposal of the representation by the 1<sup>st</sup> respondent, the writ petitioner shall be permitted to continue in the Government accommodation.

9. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions is closed.

Sd/-  
Assistant Registrar (CS IV)

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Sub Assistant Registrar

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To

1. The Director General,  
Central Industrial Security Force  
No.13, CGO Complex  
Lodhi Road, New Delhi - 110 003

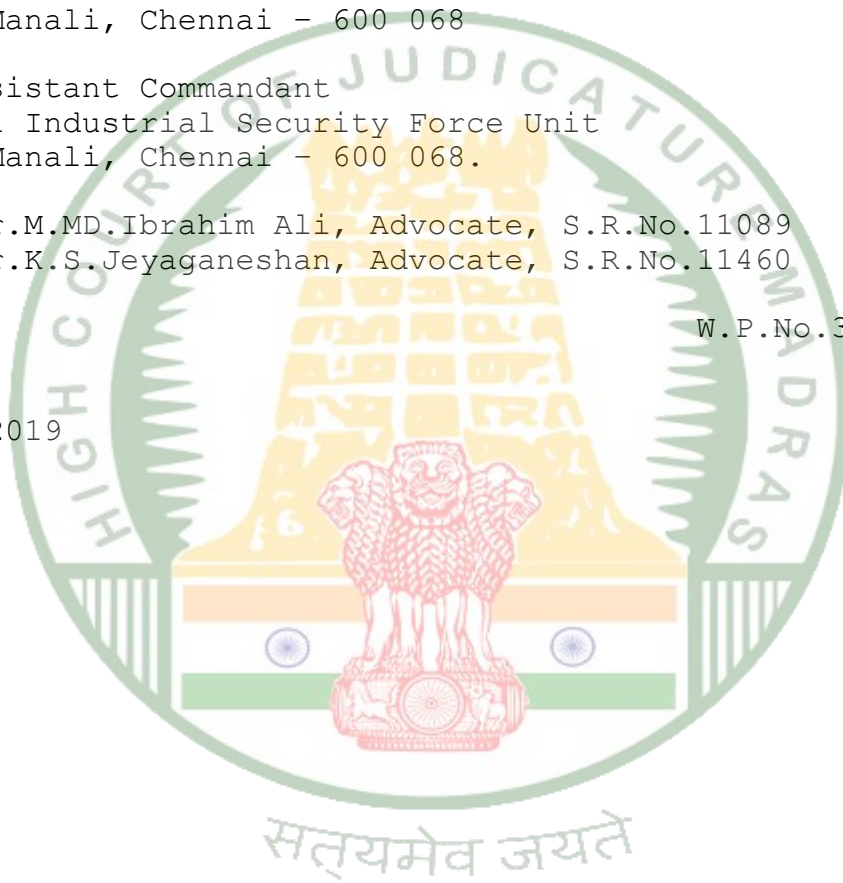
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+1cc to Mr.M.MD.Ibrahim Ali, Advocate, S.R.No.11089  
+1cc to Mr.K.S.Jeyaganeshan, Advocate, S.R.No.11460

W.P.No.3702 of 2019

CP(CO)  
CS/05/03/2019



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