

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM

**THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU**

W.P.No.26914 of 2015  
and  
MP.No.1 of 2015

S.K.Singh

...Petitioner

Vs.

- 1.The Deputy Inspector General of Police  
Group Centre, Central Reserve Police Force  
Avadi, Chennai-600 065.
  - 2.The Assistant Commandant/Min. (Enquiry Officer)  
Group Centre, Central Reserve Police Force,  
Avadi, Chennai-600 065.
  - 3.The Director General of Police  
Central Reserve Police Force  
CGO Complex, Lodhi Road,  
New Delhi - 110 003.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in the impugned order Reference No.P.VIII.2/2014-EC(2) dated 25.10.2014, quash the same and consequently, direct the 1st respondent to reinstate the petitioner with full back-wages, continuity of service and all other attendant benefits.

For Petitioner : Mrs.R.Maheswari  
for Mr.N.Vijayakumar  
For Respondents: Mr.K.Ramanamoorthy  
Central Government Counsel

**O R D E R**

The petitioner is aggrieved against the order of the first respondent dated 25.10.2014, wherein and whereby, the punishment of compulsory retirement with the penalty of reduction of 1/3rd of pension, was imposed on the petitioner based on certain charges levelled against the petitioner and consequent enquiry conducted followed by filing of the enquiry report.

2. The grievance of the petitioner before this Court is that the same set of charges were levelled against the other five officials, however, they were not imposed with any punishment and on the other hand, they were permitted to continue in service after they paid the money, which is found to have been misappropriated by them. Therefore, it is contended that the petitioner cannot be singled out and imposed with the impugned punishment.

3. Considering the above said allegation made by the petitioner, this Court while hearing the matter on the earlier occasion, directed the learned counsel for the respondents to file a status report regarding other five officials.

4. Accordingly, the learned Central Government Counsel has filed a status report dated 20.02.2019, wherein, it is stated as follows:

| S/<br>No. | Details asked<br>for                                                              | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01        | Whether the above persons still continuing the service with promotion or removed? | <p>➤ All the personnel were promoted to higher ranks prior to issue of Memorandum of Charges. (Please refer para No. 19 of C.A.)</p> <p>➤ S/No. 3 Shri A.Nagendra Kumar had performed the duties of PKGA Vice-Chairman in a short duration and no such embezzlement/misappropriation were noticed against him. Accordingly, the officer was initially appointed as Presiding Officer to find out improper maintenance of accounts of PKGA and fix the responsibility vide DIGP, GC CRPF, Avadi O/order No. I.X-2/2011-EC-II dated 06/01/2011.</p> |

Initiating Departmental Enquiry and awarding punishment in respect of 5 Officers/men as under:-

1. Shri Rohini Raja, DC (Now 2-I/C) -

- The Officer is still in service.
- As per PIS data, the Officer promoted as 2-I/C on 03/08/2010
- A sum of Rs.60,022/- was ordered to recover from his payable dues vide ADG, SZ order No. I.X-2/2012-SZ-EC-II dated 23/05/2015.
- A Departmental enquiry has been initiated against the Officer and the same has been withheld due to granting interim stay on order dated 23/05/2015 vide Hon'ble High Court of AP & TS dated 11/08/2016 in W.P. No.27099/2016.
- The Officer filed W.P. No. 27099/2016 against the above recovery before the Hon'ble High Court of AP & TS and the Hon'ble Court was granted interim stay for recovering the above amount
- The Officer filed Contempt Petition No.Nil/2018 against initiating DE before the Hon'ble High Court of AP & TS. Hence DE has not completed.

**2. Shri K. Selvam, DC**

- As per PIS data, the Officer promoted as DC on 10/10/2011
- The Officer had superannuated from service w.e.f. 31/05/2014.
- A sum of Rs.63,393/- was ordered to recover from payable dues vide ADG, SZ order No. I.X-2/2012-SZ-EC-II dated 23/05/2015 and the above recovery has been completed

**3 No. 881162074 EX-ASI/GD**  
**R.N. Tagore R.N Tagore**

- As per PIS data, the Official promoted as ASI/GD on 18/04/2011
- He was dismissed from service w.e.f. 10/12/2014 (AN) vide DIGP GC CRPF, Avadi O/Order No. P.VIII-4/2014-EC-II dated 10/12/2014.
- A sum of Rs.1,11,917/- was ordered to recover from payable dues vide ADG, SZ order No. I.X-2/2012-SZ-EC-II dated 23/05/2015.
- He filed W.P. No. 10500/2014 and W.P. No. 17273/2018 against initiating DE and Dismissal from service respectively before the Hon'ble High Court of Madras and both these cases are still pending.

**4. No. 015033042 HC/M**  
**Saravanan**

- As per PIS data, the Official appointed as HC/M on 18/10/2010
- He filed W.P. No. 13677/2014 against initiating DE before the Hon'ble High Court of Madras and the same is still pending.
- A sum of Rs. 63,062/- was ordered to recover from payable dues vide ADG, SZ order No. I.X-2/2012-SZ-EC-II dated 23/05/2015. and the above recovery has been completed
- He was dismissed from service w.e.f. 08/10/2014(AN) vide DIGP GC CRPF, Avadi O/Order No. P.VIII-3/2014-EC-II dated 08/10/2014.
- On considering his revision petition, he was re-instated into service w.e.f. 01/02/2017 by awarding the penalty of Stoppage of next three increments for a period of three years which will have the effect of postponing his future increments by revisionary authority vide ADG, South Zone order No. R.XIII-41/2016-SZ-Legal dated 11/01/2017.

|    |                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                                                            | <p><b>5. No. 943302416 HC/GD</b><br/> <b><u>R.Neelamanivanan</u></b></p> <ul style="list-style-type: none"> <li>➤ As per PIS data, the Official promoted as HC/GD on 28/02/2014</li> <li>➤ A sum of Rs. 35,941/- was ordered to recover from payable dues vide ADG, SZ order No. I.X-2/2012-SZ-EC-II dated 23/05/2015 and the above recovery has been completed.</li> <li>➤ He was retired Compulsorily from service w.e.f. 05/01/2015 (AN) vide DIGP GC CRPF, Avadi O/Order No. P.VIII-5/2014-EC-II dated 05/01/2015.</li> <li>➤ On considering his revision petition, he was re-instated into service w.e.f. 29/06/2016 by awarding the penalty of Stoppage of next three increments for a period of three years which will have the effect of postponing his future increments by revisionary authority vide ADG, South Zone order No. J.II-114/2015- (LN) - SZ-Legal dated 06/06/2016.</li> </ul> |
| 02 | <p>If continue the service then why this petitioner not permitted to continue the same</p> | <p><b>Out of five defaulters, 1 Officer</b> had superannuated from service w.e.f. 31/05/2014, DE initiated against <b>1 Officer</b> has been withheld due to granting interim stay by the Hon'ble High Court of AP &amp; TS, <b>3 personnel</b> were dismissed/retired compulsorily after</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|    |                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                                                             | <p>conducting D.E. Separately by the Disciplinary Authority and out of them two personnel have been re-instated into service on filing revision petition before the revisionary authority as enumerated at S/No. 1 above. The petitioner preferred an appeal before Appellate Authority and the same was rejected by the Appellate Authority being devoid of merit. But the petitioner did not prefer revision petition/ mercy petition before the Competent Authority instead he filed subject Writ Petition. Since, the petitioner had performed the duties of Manager, PKGA, he was fully responsible to up keep the PKGA registers/records in proper manner, but he failed to do so due to which a major embezzlement/misappropriation was happened. To commensurate with gravity of offence committed by him and considering his length of service, he was retired compulsorily from service w.e.f. 25/10/2014 vide DIGP, GC CRPF, Avadi office order No. P.VIII-2/2014-EC-II dated 25/10/2014 is in order.</p> |
| 03 | If removed then provided the details                                                        | Please see details in each cases separately under S/No. 1 above                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 04 | Whether any individual filed separate Writ is pending or dismissed? If so provided the same |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|    |                                                                                            |  |
|----|--------------------------------------------------------------------------------------------|--|
| 05 | Whether any separate impugned order against above each individual? If so provided the same |  |
|----|--------------------------------------------------------------------------------------------|--|

5. It is submitted by the learned Central Government Counsel for the respondents that out of five officials viz., Rohini Raja, K.Selvam, R.N.Tagore, M.Saravanan and R.Neelamanivanan, against whom similar charges were levelled, M.Saravanan and R.Neelamanivanan were reinstated in service, in pursuant to their filing of revision before the Revisional Authority. He further submitted that K.Selvam had been superannuated from service w.e.f 31.05.2014, whereas Rohini Raja and R.N.Tagore have paid the money due as claimed in the charge memo and that those two persons have also filed a writ petition before the High Court of Andhra Pradesh and got interim stay. In other words, the learned Central Government Counsel, based on the status report filed before this Court admitted the position that while M.Saravanan and R.Neelamanivanan were reinstated in service pursuant to the filing of their revision petition, the other two officials were also allowed to function in pursuant to the pendency of the writ petition before the High Court of Andhra Pradesh and also before this Court and also on account of the payment made by them as stated supra.

6. Since it is seen that in respect of similar charges, two other officials were reinstated in service subsequent to the filing of their revision and other two persons are allowed to continue in service, as discussed supra, this Court is of the view that without going into the merits of the contentions raised by both parties, the petitioner can file similar revision before the Additional Director General, South Zone, being the Revisional Authority and once such revision is filed, the said Revisional Authority shall consider such revision in the light of the order already passed in the revision filed by the said M.Saravanan and R.Neelamanivanan.

7. Considering the fact that the petitioner is going to retire on 28.02.2019, such revision shall be filed by the petitioner within a period of seven days from the date of receipt of a copy of this order. On receipt of such revision, the Revisional Authority shall pass appropriate orders in the light of the order already passed in the case of M.Saravanan and R.Neelamanivanan, so as to enable the petitioner to get similar benefit, as has been extended to the other two individual officials.

<https://hcservices.ecourt.gov.in/hcservices/> shall be passed by the said Revisional

Authority within a period of four weeks from the date of receipt of such revision.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS)

/ True Copy /

Sub Assistant Registrar

mk  
To

- 1.The Deputy Inspector General of Police  
Group Centre, Central Reserve Police Force  
Avadi, Chennai-600 065.
- 2.The Assistant Commandant/Min. (Enquiry Officer)  
Group Centre, Central Reserve Police Force,  
Avadi, Chennai-600 065.
- 3.The Director General of Police  
Central Reserve Police Force  
CGO Complex, Lodhi Road,  
New Delhi - 110 003.

+1 CC To Mr.K.Ramamoorthy, SR.No.16538  
+1 CC To Mr.N.Vijayakumar, SR.No.16593

WP.No.26914 of 2015

ASK (26.02.2019)

सत्यमेव जयते

WEB COPY