

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.Nos.21337 and 21442 of 2019
and
W.M.P.Nos.20556 and 20643 of 2019

Prayer in W.P.No.21337 of 2019:

C.Chakkaravarthi ... Petitioner

v.

- 1.The Union of India represented by the
Secretary to Government,
Department of Internal Security,
Ministry of Home Affairs,
North Block, New Delhi - 110001.
- 2.The Director General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi-110 003.
- 3.The Inspector General of Police (Personnel),
Office of Directorate General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi - 110 003.
- 4.The Deputy Inspector General of Police,
Group Centre,
Central Reserve Police Force (CRPF),
Avadi, Chennai - 600065. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Declaration, declaring that Rule 43(a) of the Central Reserve Police Force Rules, 1955 together with the corresponding Rule 12 of the Central Reserve Police Force Group "A" (General Duty) Officer Recruitment Rules, 2001 amended in 2010, reading as "other officers" holding posts lower than the Deputy Inspector General shall retire from service on the afternoon of the last day of the month in which they attain the age of fifty seven years as unconstitutional, discriminatory, unjust, violative of Articles 14 and 16 of the Constitution

of India and consequently direct the respondents to herein, to amend the aforesaid rules referred to above, by way of enhancing the superannuation age from the present 57 years to 60 years for such 'other officers', thus ensuring uniformity/non-discrimination in the aforesaid rules.

For Petitioner : Mr.J.Lakshmi Narayanan

For Respondents: Ms.Sunithakumari

Prayer in W.P.No.21442 of 2019:

P.Vasu Reddy

.. Petitioner

v.

1.The Union of India represented by the
Secretary to Government,
Department of Internal Security,
Ministry of Home Affairs,
North Block, New Delhi - 110001.

2.The Director General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi-110 003.

3.The Commandant,
2 Signal Battalion,
Central Reserve Police Force,
Keshovgiri Post,
Chandrayangutta,
Hyderabad - 500005.

4.The Officer Commanding,
D/2 Signal Battalion,
Central Reserve Police Force,
Avadi, Chennai-600065.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Declaration, declaring that Rule 43(a) of the Central Reserve Police Force Rules, 1955 together with the corresponding Rule 12 of the Central Reserve Police Force Group "A" (General Duty) Officer Recruitment Rules, 2001 amended in 2010, reading as "other officers" holding posts lower than the Deputy Inspector General shall retire from service on the afternoon of the last day of the month in which they attain the age of fifty seven years as unconstitutional, discriminatory, unjust, violative of Articles 14 and 16 of the Constitution

of India and consequently direct the respondents to herein to amend the aforesaid rules referred to above, by way of enhancing the superannuation age from the present 57 years to 60 years for such 'other officers', thus ensuring uniformity/non-discrimination in the aforesaid rules.

For Petitioner : Mr.J.Lakshmi Narayanan
For Respondents: Ms.Sunithakumari

COMMON ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Instant writ petitions, have been filed for the following prayers:-

(i) To declare that Rule 43(a) of the Central Reserve Police Force Rules, 1955 together with the corresponding Rule 12 of the Central Reserve Police Force Group "A" (General Duty) Officer Recruitment Rules, 2001 amended in 2010, reading as "other officers" holding posts lower than the Deputy Inspector General shall retire from service on the afternoon of the last day of the month in which they attain the age of fifty seven years as unconstitutional, discriminatory, unjust, violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to herein, to amend the aforesaid rules referred to above, by way of enhancing the superannuation age from the present 57 years to 60 years for such 'other officers', thus ensuring uniformity/non-discrimination in the aforesaid rules.

(ii) To declare that Rule 43(a) of the Central Reserve Police Force Rules, 1955 together with the corresponding Rule 12 of the Central Reserve Police Force Group "A" (General Duty) Officer Recruitment Rules, 2001 amended in 2010, reading as "other officers" holding posts lower than the Deputy Inspector General shall retire from service on the afternoon of the last day of the month in which they attain the age of fifty seven years as unconstitutional, discriminatory, unjust, violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to herein to amend the aforesaid rules referred to above, by way of enhancing the superannuation age from the present 57 years to 60 years for such 'other officers', thus ensuring uniformity/non-discrimination in the aforesaid rules.

2. Facts of the case in W.P.No.21337 of 2019, are as under:-

<https://hcservices.ecourts.gov.in/hcservices/>

(1) Petitioner was working as Sub-Inspector (SI)/GD, in

the Group Centre, CRPF, Avadi, Chennai. His service particulars, are as follows:-

Sl.No.	Designation	Date of Appointment/Promotion
1	Constable/General Duty (GD)	22.05.1984
2	Lance Naik/GD	24.08.1994
3	Head Constable (HC)/GD	Jan-2000
4	ASI/GD	June-2013
5	Sub-Inspector (SI)/GD	060617

He had unblemished service career in CRPF till his retirement.

(ii) He has further contended that the Deputy Inspector General of Police, Group Centre, CRPF, Avadi, Chennai/the fourth respondent herein, issued an office order in No.P.III.01/2016-GC.PEN-AVD (SUPN) dated, the 05.01.2017, notifying that his age of superannuation would be on 31.07.2019 in accordance with Rule 43 of CRPF Rules, 1955. The aforesaid Rule 43 deals with age of superannuation in CRPF as under: "Retirement of member of the Force shall take effect from the afternoon of the last day of the month in which such member attains the age of 57 years". It requires to be noted here that the expression 'member of force' in terms of Rules 4 and 5 read with Rule 6 of the CRPF Rules 1955, connotes the rank of Commandant and below.

(iii) He has further contended that Rule 43 (a) of the CRPF Rules, 1955 and the corresponding Rule 14 of the CRPF Group (A) General Duty Officers Recruitment Rules, 2001, Rule 8 (a) of the ITBP General Duty in Group "A" Posts Rules and Rule 12 of the BSF (General Duty Officers) Recruitment Rules, 2001 prescribe retirement age of 57 years for members of those CAPFs in the rank of Commandant and below have been struck down by the Hon'ble Division Bench of Delhi High Court in Dev Sharma -vs- Indo Tibetan Border Police and Another on 31 January, 2019. Appeal filed against the said order by the Union of India before the Hon'ble Supreme Court in SLP (Civil) No.11944/2019, was dismissed on 10.05.2019.

(iv) He has further contended that similarly placed personnel in CRPF approached the Hon'ble Delhi High Court and obtained interim orders in their favour and the same were implemented by the Ministry of Home Affairs in Office Memorandum dated 31 May, 2019. He has further contended that one Shri.D.Vincent Thomas, Commandant working in CRPF, Avadi filed W.P.No.4969/2019 before this Court and an interim order was granted by this Court on 28.02.2019. The said order was implemented by CRPF in No.J.II-82/2019-LWP-II dated 20.06.2019. Based on the judgment of the Hon'ble Delhi High Court, similarly placed personnel approached several

respondent, vide UO Note dated 2/7/2019 has directed CRPF, to implement the court orders provisionally subject to final decision with reference to Review Petition filed by UOI in Dev Sharma Case. Accordingly the second respondent has accorded approval to comply with the interim orders based on the direction of Ministry of Home Affairs Official Memorandum, dated 2/7/2019. Said orders were implemented by the Law Directorate of CRPF vide order dated 05/07/2019, in respect of the personnel concerned. The petitioner has therefore contended that he was also similarly placed and entitled to continue in service till 60 years, as per the orders passed by the several High Courts, and implementation orders issued by the first and second respondents, as stated above.

(v) He has further contended that discrimination in the matter of age of retirement amongst the members of two wings of the Central Armed Police Forces would contribute to lower the morale rather than bolstering it. Taking note of several factors into consideration, a Hon'ble Division Bench of Delhi High Court held Rule 43 (a) of the CRPF Rules, 1955 to be discriminatory and violative of Article 14 of the Constitution vis-a-vis members of the CRPF of the rank of Commandant and below. Petitioner has contended that he is also entitled for similar benefit.

3. Facts of the case in W.P.No.21442 of 2019, are as under:-

(i) Petitioner has contended that he was working as Inspector/Radio Operator (RO), in the D/2 Signal Battalion, Central Reserve Police Force, Avadi, Chennai and retired from service on 31.05.2019. His service particulars, are as follows:-

Sl.No.	Designation	Date of Appointment/Promotion
1	Constable/General Duty (GD)	070481
2	Naik/RO	14.02.1984
3	HC/RO	101097
4	ASI/RO	May-2005
5	Sub-Inspector (SI)/RO	30.12.2006
6	Inspector/RO	29.06.2010

He had unblemished service career in CRPF till his retirement without any cause of complaint or punishments till date.

(ii) He has further contended that the Deputy Inspector General of Police, Group Centre, CRPF, Avadi, Chennai/the fourth respondent herein, issued an office order in No.P.III.01/2016-GC.PEN-AVD (SUPN) dated, the 05.01.2017 notifying that his age of superannuation as 31.07.2019 in accordance with Rule 43 of CRPF Rules, 1955. The aforesaid

Rule 43 deals with age of superannuation in CRPF as under: "Retirement of member of the Force shall take effect from the afternoon of the last day of the month in which such member attains the age of 57 years". It requires to be noted here that the expression 'member of force' in terms of Rules 4 and 5 read with Rule 6 of the CRPF Rules 1955, connotes the rank of Commandant and below.

(iii) He has further contended that Rule 43 (a) of the CRPF Rules, 1955 and corresponding Rule 14 of the CRPF Group (A) General Duty Officers Recruitment Rules, 2001, Rule 8 (a) of the ITBP General Duty in Group "A" Posts Rules and Rule 12 of the BSF (General Duty Officers) Recruitment Rules, 2001 prescribe the retirement age of 57 years for members of those CAPFs of rank of Commandant and below, have been struck down by the Hon'ble Division Bench of Delhi High Court in Dev Sharma -vs- Indo Tibetan Border Police & Anr on 31 January, 2019. Appeal filed against the said order by the Union of India before the Hon'ble Supreme Court in SLP (Civil) No.11944/2019, was dismissed on 10.05.2019.

(iv) He has further contended that similarly placed personnel in CRPF approached Hon'ble Delhi High Court and obtained interim orders in their favour and that the same were implemented by the Ministry of Home Affairs in Office Memorandum dated 31st May, 2019. He has further contended that one Shri.D.Vincent Thomas, Commandant working in CRPF, Avadi filed W.P.No.4969/2019 before this Court and an interim order was granted by this Court on 28.02.2019. The said order was implemented by CRPF in No.J.II-82/2019-LWP-II dated 20.06.2019. Based on the Judgment of the Delhi High Court, similarly placed personnel approached several High Courts and obtained orders in their favour. The first respondent, vide UO Note dated 2/7/2019 has directed CRPF, to implement the court orders provisionally subject to final decision with reference to the Review Petition filed by UOI in Dev Sharma Case. Accordingly, the Director General, Central Reserve Police Force, New Delhi, the second respondent has accorded approval to comply with the court interim orders based on the directions of Ministry of Home Affairs Official Memorandum dated 2/7/2019. Said orders have been implemented by the Law Directorate of CRPF vide order dated 05/07/2019, in respect of the personnel concerned. The petitioner, therefore has contended that he is also similarly placed, and entitled to continue in service till 60 years, as per the orders passed by the several High Courts, and implementation orders, issued by the first and second respondents, as stated above.

(vi) He has further contended that discrimination in the matter of age of retirement amongst the members of two wings of Central Armed Police Forces will contribute to, lower the morale, rather than bolstering it. Taking note of several factors into consideration a Hon'ble Division Bench of Delhi High Court held Rule 43 (a) of the CRPF Rules, 1955 to be discriminatory and violative of Article 14 of the Constitution vis-a-vis members of the CRPF of the rank of

Commandant and below. Petitioners have contended that they are also entitled for similar benefit, and hence petitioners have filed the instant writ petitions, for the reliefs, as stated supra.

4. When the writ petitions came up for admission in the forenoon session, we passed the following order:-

Mr.S.Durai Raj, petitioner in Writ Petition No.17143 of 2019 has sought for a writ of declaration, declaring Rule 43 (a) of CRPF Rule, 1955, which says that "the retirement of a member of the Force shall take effect from the afternoon of the last day of the month in which such member attains the age of 57 years. In case, the date of birth of a member of the Force falls on the first day of a month, his retirement shall take effect from the afternoon of the last day of the month preceding the month in which the member of the Force attains the age of 57 years", compared to the officers holding posts higher than that of rank of Commandant shall retire from service on the afternoon of the last day of the month in which they attain the age of 60 years as arbitrary, as unconstitutional, discriminatory, unjust, unreasonable classification, violation of Articles 14 and 16 of the Constitution of India by striking out the same from the respective statutes mentioned hereinabove together with a consequential direction to the respondents to amend the respective Rules referred to herein above, by way of enhancing the superannuation age from 57 years to 60 years, thus ensuring uniformity/non-discrimination in the aforesaid Rules.

2. Mr.P.Gunasekaran, petitioner in W.P.No.18294 of 2019 has sought for a writ of declaration, declaring Rule 43 (a) of the Central Reserve Police Force Rules, 1955 and the corresponding Rule 12 of the Central Reserve Police Force Group A (General Duty) Officer Recruitment Rules, 2001, amended in 2010, which says that officers holding posts lower than the Deputy Inspector General shall retire from service on the afternoon of the last day of the month in which they attain the age of fifty seven years as unconstitutional, discriminatory, unjust, violative of Article 14 and 16 of the Constitution of India and consequentially direct the respondents herein to amend the aforesaid Rules referred to above, by way of enhancing the superannuation age from the present 57 years to 60 years for such other officers, thus ensuring uniformity/non-discrimination in the aforesaid Rules.

3. After hearing the learned counsel for the parties, vide, common order, dated 15/7/2019, we allowed the above writ petitions and directed the respondents therein, to reinstate the petitioners, in service, as Assistant Commandant (M), in Group Centre, CRPF, Avadi and Inspector/GD, in the Recruits Training Centre (RTC), CRPF, Avadi, Chennai, respectively, with continuity of service, within a period of one week, from the date of the said common order, dated 15/7/2019.

4. As both the writ petitions are filed for similar prayers, they are taken up together and disposed of by this common order.

5. On this day, when the matters came up for hearing, placing reliance on a decision of the Hon'ble Supreme Court, in Union of India and Another Vs. Dev Sharma {Review Petition (C) No.1555/2019 in Special Leave Petition (C) No.11944 of 2019}, Mr.J.Lakshmi Narayanan, learned counsel for the petitioners, in W.P.Nos.21337 and 21442 of 2019, submitted that the Review Petition filed by Union of India and Another Vs. Dev Sharma, has been dismissed.

6. In view of the orders of the Hon'ble Supreme Court, instant writ petitions have to be allowed. However, following the principles of natural justice, respondents are put on notice and revert at 2.15 p.m.

5. Having regard to the observance of principles of natural justice, Ms.Sunithakumari, learned counsel for Central Government, was put on notice.

6. Order in W.P.Nos.17143 and 18294 of 2019, dated 15.07.2019, reads thus:-

"21. On this day, when the matter came up for hearing, Mrs.R.Meenakshi, learned counsel for the petitioner in WP.No.17143 of 2019 submitted that order of this dated 28.2.2019 made in WP No.4969 of 2019 and suo motu contempt notice dated 21.03.2019, were challenged, in SLP(C) Nos.9081 - 9082 of 2019.

22. On 08.07.2019, when the matter was heard by the Hon'ble Supreme Court, it was reported that Mr.D.Vincent Thomas, respondent therein in the said SLP (C) Nos.9081 - 9082 of 2019, had already joined service on 26.06.2019. Taking note of the above, vide order dated 08.07.2019, Hon'ble Supreme Court, disposed of SLP (C) Nos.9081 - 9082 of 2019, as hereunder.

"We have been informed by the learned counsel for the parties that the respondent has already joined service on 26.06.2019 w.e.f. 01.03.2019.

Therefore, nothing further survives in these

Special Leave Petitions and the same are disposed of.

Suo motu contempt action initiated by the High Court stands discharged."

23. on 28.06.2019, in WP No.18294 of 2019, we directed the respondents to consider the request of the petitioner therein and pass orders taking note of the observations of this Court and earlier orders.

24. Placing reliance on the Office Memorandum No.143020/30/2019- Pers II (3459497), Ministry of Home Affairs (Police -II Division), Government of India, New Delhi dated 02.07.2019 and another Office Memorandum No.J II-92/19-LWP Pers.II, Ministry of Home Affairs (Police -II Division), Government of India, New Delhi dated 09.07.2019, Mrs.S.S.Meenakumari, learned counsel for the revenue submitted that Hon'ble Supreme Court in SLP No.11944 of 2019, filed against the decision of the Delhi High Court dated 31.01.2019 in WP (C) No.1951 of 2012 in Dev Sharma Vs. Union of India, has been dismissed by the Hon'ble Supreme Court. However, a Review Petition (C) No.00155512019, has been filed. She further submitted that Ministry of Home Affairs, Government of India, has decided that in cases where officers / personnel, to whom interim stay has been granted by the Hon'ble High Court, to retain them in service beyond the age of 57 years of age and CAPFs may implement the orders provisionally, subject to the final decision of the Review Petition.

25. Learned counsel for the respondent further submitted that as the Court order made in WP No.18294 of 2019 and the representation of the writ petitioner therein have been received only on 09.07.2013, requested for extension of time for considering the representation of the petitioner.

26. From the Office Memorandum No.143020/30/2019- Pers II (3459497), Ministry of Home Affairs (Police -II Division), Government of India, New Delhi dated 02.07.2019, it is evident that only in cases where interim stay has been granted by the Hon'ble High Court, officers / personnel, were retained in service beyond the age of 57 years of age and CAPFs are directed to implement the orders provisionally, subject to the final decision of the Review Petition.

27. Rule 43 of the CRPF Rules, has been struck down by the Delhi High Court and the decision has been confirmed by the Hon'ble Supreme Court. Orders have been implemented, wherever stay has been granted.

India, the law declared by the Hon'ble Supreme Court is binding on all Courts within the territory of India. Decision to implement the orders of the Hon'ble Supreme Court, only to those officers / personnel, where interim stay has been granted by the Hon'ble Court to retain them in service beyond the age of 57 years of age, CAPFs provisionally, subject to the final decision of the Review Petition, is not the correct approach and that in the light of the binding precedent of the Hon'ble Supreme Court, the Union of India, represented by its Secretary to the Government, Department of Home Affairs, New Delhi, who is a party respondent in all the instant writ petition before us, is bound to implement the orders of the Hon'ble Supreme Court to all those similarly situated persons when the provision has been struck down. Restriction of implementation of the decision of the Hon'ble Supreme Court, only to those, who have obtained stay, cannot be appreciated.

29. The issue as to whether equally placed persons should be treated alike without any discrimination is no longer res integra. Useful reference can be made to the following decisions,

(i) In Prem Chand Somchand Shah v. Union of India reported in (1991) 2 SCC 48, the Hon'ble Supreme Court in paragraph 8 held thus,

"8. As regards the right to equality guaranteed under Article 14 the position is well settled that the said right ensures equality amongst equals and its aim is to protect persons similarly placed against discriminatory treatment. It means that all persons similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed. Conversely discrimination may result if persons dissimilarly situate are treated equally. Even amongst persons similarly situate differential treatment would be permissible between one class and the other. In that event it is necessary that the differential treatment should be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and that differentia must have a rational relation to the object sought to be achieved by the statute in question."

(ii) In Govind Ram Purohit v. Jagjiwan Chandra reported in 1999 SCC (L & S) 788, at paragraph 3, the Hon'ble Supreme Court held thus:

"3. It was lastly contended by the learned counsel for the appellants that whereas the

petition had been filed by only Respondent 1, the High Court while finally concluding the matter has given a direction to promote all those who were senior to the appellants even though they were not parties to the petition. Once the High Court had placed a particular interpretation on the Rules, the benefit of that interpretation had to go to all those who qualified under the seniority-cum-merit rule. There was no point in waiting for each and every person to file a petition. Therefore, we do not see any reason why we should entertain such a technical plea when the High Court has done substantial justice to all concerned."

(iii) In State of Karnataka v. N.Parameshwarappa reported in 2003 (12) SCC 192, the Hon'ble Supreme Court, at paragraph 8, held thus:

"8..... we do not find any reasonable justification to confine the relief to only such of the teachers who approached the court and having regard to the fact that relief related to the revision of scales of pay, every one of that class of teachers who approached would be entitled to the benefit, notwithstanding that they have not approached the court. We are in equal agreement with the Division Bench in denying the payment of interest at compounded rates which, in our view, cannot be justified at all on the facts and circumstances of the case wherein a serious and genuine doubt existed about the applicability of the government order dated 30-3-1990, as raised in the proceedings."

(iv) In State of U.P. v. Dayanand Chakrawarty reported in 2013 (8) Scale 74 : (2013) 7 SCC 595, the Hon'ble Supreme Court held that there cannot be any discrimination in treating equally placed persons on same footing, for all purposes.

(v) In State of Uttar Pradesh and others v. Arvind Kumar Srivastava and others reported in 2015 (1) SCC 347, wherein, the Apex Court dealt with the issue as to the entitlement of benefit of judgment in rem with an intention to benefit all similarly situated persons irrespective of whether they had approached the Court or not. It is held therein that when a particular set of employees is given relief by Court, all other identically situated persons should be treated alike by extending the same benefit, since not doing so would amount to discrimination and be violative of Article 14 of the Constitution of India.

30. To fortify our view, we also rely on a passage from the judgment of the Hon'ble Supreme Court in Amrit Lal Berry Vs. Collector of Central Excise, New Delhi and Others, reported in (1975) 4

SCC 714, wherein Hon'ble Supreme Court observed as hereunder.

"24... We may, however, observe that when a citizen aggrieved by the action of a government department has approached the Court and obtained a declaration of law in his favour, others, in like circumstances, should be able to rely on the sense of responsibility of the department concerned and to expect that they will be given the benefit of this declaration without the need to take their grievances to Court."

31. We have gone through the judgment of the Delhi High Court in Dev Sharma Vs. Union of India & Others, confirmed by Hon'ble Supreme Court in SLP (C) No.11944 of 2019.

32. Facts and law pleaded are one and the same. Decision of the Hon'ble Supreme Court squarely applicable to the writ petitions.

33. Following the decision made in SLP No.11944 of 2019 dated 10.05.2019, impugned provisions are struck down.

34. Petitioner in WP No.17143 of 2019, was working as an Assistant Commandant (M), in Group Centre, CRPF, Avadi. Petitioner in WP No.18294 of 2019, was working as Inspector / GD in the Recruits Training Centre (RTC), CRPF, Avadi, Chennai. Consequent to striking down of the Rule 43(a) of CRPF Rules, 1955, respondents are directed to reinstate the petitioners in service as Assistant Commandant (M), in Group Centre, CRPF, Avadi and Inspector / GD in the Recruits Training Centre (RTC), CRPF, Avadi, Chennai, respectively, with continuity of service, within a period of one week from today.

35. With the above directions, writ petitions are allowed. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed."

7. Going through the material on record, we find that the Director General, Central Reserve Police Force, New Delhi, the first respondent herein, has issued a note dated 02.07.2019, that CRPF, has been directed to implement the court orders, subject to the Review Petition filed in Dev Sharma's case. Review Petition filed in Review Petition (C) No.1555/2019 in S.L.P.(C) No.11944/2019, in the matter of Union of India vs. Dev Sharma, has been dismissed on 16.07.2019, by the Hon'ble Supreme Court, as hereunder:-

"Application for hearing in open Court is rejected.

Having carefully gone through the Review Petition, the order under challenge and the papers annexed therewith, we are satisfied that there is no error apparent on the face of the record,

warranting reconsideration of the order impugned.

The Review Petition is, accordingly, dismissed."

8. Now, it is brought to our notice, that the review petition has been dismissed, by the Hon'ble Supreme Court. Can the respondents, can still oppose implementation of the orders of the Hon'ble Supreme Court, prima facie, in terms of Article 141 of the Constitution of India. Our answer is clear 'No'.

9. Implementation of Dev Sharma's case, according to the respondents, was subject to the review petition. When the same has been dismissed by the Hon'ble Supreme Court on 16.07.2019, we are of the view that under Article 141 of the Constitution of India, respondents are bound to implement the order of the Hon'ble Supreme Court, and cannot and should not be permitted to canvass on merits. The only contention raised by the respondents, for not implementing the orders of the Hon'ble Supreme Court, is that review petition was pending.

10. Following the earlier order of this Court in W.P.Nos.17143 and 18294 of 2019, dated 15.07.2019, instant writ petitions, are allowed. Petitioner in W.P.No.21337 of 2019, is permitted to continue to serve as Sub-Inspector (SI)/GD, till the age of 60 years. Respondents in W.P.No.21442 of 2019, are directed to reinstate the petitioner therein, as Inspector/Radio Operator (RO), within one week from the date of receipt of a copy of this order. No Costs. Consequently, the connected writ miscellaneous petitions, are closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

dm

To

1.The Union of India represented by the
Secretary to Government,
Department of Internal Security,
Ministry of Home Affairs,
North Block, New Delhi - 110001.

2.The Director General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi-110 003.

3.The Inspector General of Police (Personnel),
Office of Directorate General,
Central Reserve Police Force,
Block No.1, CGO Complex,
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4.The Deputy Inspector General of Police,
Group Centre,
Central Reserve Police Force (CRPF),
Avadi, Chennai - 600065.

5.The Commandant,
2 Signal Battalion,
Central Reserve Police Force,
Keshovgiri Post,
Chandrayangutta,
Hyderabad - 500005.

6.The Officer Commanding,
D/2 Signal Battalion,
Central Reserve Police Force,
Avadi, Chennai-600065.

+2ccs to Mr.J.Lakshmi Narayanan, Advocate SR.No. 63488,63499
+2ccs to Ms.Sunithakumari, Advocate SR.No. 63178,63179

W.P.Nos.21337 and 21442 of 2019
and
W.M.P.Nos.20556 and 20643 of 2019

A.SK(02/08/2019)

सत्यमेव जयते

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