

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22173 of 2019

S.Balakrishnan

... Petitioner

Vs.

1. The Union of India,
Represented by its Secretary to Government,
Ministry of Home Affairs,
New Delhi - 110 001.
 2. The Director General,
Central Industrial Security Force,
CISF Headquarters, Block No.13,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
 3. The Inspector General,
Central Industrial Security Force,
Force Head Quarters, Near War Memorial,
Chennai - 600 009.
 4. The Deputy Inspector General,
Central Industrial Security Force,
South Zone Head Quarters,
Besant Nagar, Chennai - 600 090.
 5. The Commandant,
Central Industrial Security Force Unit,
6th Reserve Battalion,
Arakkonam.
- ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent dated 08.11.2018 in his Order No.V-11014/55/2018/L&R-1274 received by the petitioner dated 16.12.2018 and quash the same and direct the respondents to pay all monetary benefits.

For Petitioner : Mr.K.Sivakumar

For Respondents : M/s.K.S.Jeya Ganeshan
Senior Panel Counsel

ORDER

This Writ Petition has been filed challenging the order dated 08.11.2018 passed by the first respondent in Order No.V-11014/55/2018/L&R-1274.

2. The case of the petitioner is that he entered into the service as Constable in the year 1988, and he was awarded with the Punishment of Reduction of Pay by two stages for a period of two years for certain misconduct on 31.01.2008. As against the said award, he preferred an appeal before the fourth respondent, but, it was rejected on 31.05.2008. Thereafter, he filed a mercy petition before the second respondent, and it was also came to be rejected on 08.11.2018. Therefore, he has filed this Writ Petition before this Court.

3. It is seen that after the rejection of the appeal filed by the petitioner, the petitioner has preferred the mercy petition only on 26.02.2018 with an inordinate delay of 9 years. Therefore, the second respondent has rejected the mercy petition on the ground of laches.

4. No one can be allowed to approach the Court belatedly, especially, the persons who are affected like the petitioner. The petitioner without any reasons has approached the authority belatedly, and therefore, the authority has rightly rejected the mercy petition on the ground of laches.

5. In view of the above, this Court does not find any infirmity or illegality in the order passed by the second respondent and there is no grounds to interfere with the same. Hence, this Writ Petition is dismissed. Though it is a fit case for imposing costs, taking note of the fact that an employee has approached this Court, no costs is imposed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to M/s.K.S.Jeya Ganeshan , Advocate SR.No. 65295
W.P.No.22173 of 2019
A.SK(05/09/2019)

सत्यमेव जयते

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