

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27337 of 2019

&

W.M.P.Nos.26768 & 26770 of 2019

R.Thiyagarajan

..Petitioner

vs

- 1.The Union of India,
Rep by its Secretary to Government
Ministry of Home Affairs,
New Delhi.
- 2.The Deputy Inspector General,
Central Industrial Security Force,
Regional Training Center, Suraksha Campus,
Arakkonam, Vellore District,
Tamil Nadu - 631 152.
- 3.The Assistant Inspector General (Trg),
Central Industrial Security Force,
Head Quarters,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
- 4.The Deputy Commandant/Trg,
Central Industrial Security Force Unit,
Regional Training Center, Suraksha Campus,
Arakkonam, Vellore District,
Tamil Nadu - 631 152.

.. Respondents

Prayer: Writ Petition is 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 order passed by the 4th respondent dated 26.07.2019 in his order No.E-37035/CISF/RTC(A)/4th(B)ASI/E(LDCE)/2019/5836 and quash the same and to direct the 2nd respondent to pass order on the application dated 01.08.2019 and 03.09.2019.

For Petitioner : Mr.M.Md.Ibrahim Ali

For Respondents : Mr.K.Srinivasa Murthy

O R D E R

The prayer sought for in this Writ Petition is to call for the records relating to the order passed by the 4th respondent dated 26.07.2019 in his order No.E-37035/CISF/RTC(A)/4th(B)ASI/E (LDCE)/2019/5836 and quash the same and to direct the 2nd respondent to pass order on the applications dated 01.08.2019 and 03.09.2019.

2. The case of the petitioner is that he was enlisted as constable on 01.08.1999 in the Central Industrial Security Force. Thereafter, he was selected as Sub-Inspector (Executive) in CISF. Subsequently, his services were terminated vide order dated 09.01.2012 without any reasons. Aggrieved by the said order of termination, the petitioner had filed Writ Petition in W.P(MD).No.817 of 2012. This Court by its order dated 20.09.2017, was pleased to allow the Writ petition and directed the respondents to reinstate the petitioner as Sub-Inspector (Executive) within a period of two months from the date of receipt of a copy of the order. Challenging the said order the respondents have filed an appeal in W.A.No.307 of 2018. The Division Bench of this Court dismissed the appeal by the Judgement dated 07.02.2018.

3. On 26.07.2019, the 2nd respondent passed the impugned order directing the petitioner to undergo basic training with 4th Batch ASI/Exe (LDCE) commencing from 16.09.2019 to 07.03.2020 for 25 weeks. Thereafter on 01.08.2019, the petitioner submitted an application for Voluntary Retirement from Service. On 03.09.2019, once again the petitioner made a request for Voluntary Retirement from Service. However, the requests were not considered by the respondents. Hence, the petitioner is before this Court.

4. Mr.M.Md.Ibrahim Ali, learned counsel for the petitioner would submit that the petitioner is not interested to continue the service due to his personal reasons. He would contend that till date the VRS applications were not considered by the respondents. Hence he would implore this Court to direct the respondents to consider the VRS applications within a reasonable time. He would also urge this Court to direct the respondents not to send the petitioner for basic training with 4th Batch ASI/Exe (LDCE) commencing from 16.09.2019 to 07.03.2020 till such time.

5. Mr.K.Srinivasa Murthy, learned counsel for the respondents would submit that the impugned order was passed on 26.07.2019. In order to avoid the training, the petitioner made VRS applications on 01.08.2019 and 03.09.2019, which cannot be considered. Hence he sought for the dismissal of the Writ Petition.

6. Considering the facts and circumstances of the case that the petitioner himself decides to go for VRS on some personal reasons, I am inclined to give directions to the respondents to consider the VRS application dated 03.09.2019 within a period of 2 weeks from the date of receipt of a copy of the order. Till such time the respondents are directed not to implement the order dated 26.07.2019.

The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Civil Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Union of India,
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Ministry of Home Affairs,
New Delhi.
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Arakkonam, Vellore District,
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+1cc to Mr.M.Md.Ibrahim Ali Advocate, S.R.No.81843
+1cc to Mr.K.Srinivasa Murthy Advocate, S.R.No.81688

RR(CO)
CB(25/09/2019)

W.P.No.27337 of 2019 &
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