



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8919 of 2009

N.Sethuraman

... Petitioner

Vs.

The Commandant 130 BN,
C.R.P.F.,
Lamphelpat,
Imphal, Manipur.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the records pertaining to the impugned order passed by the respondent herein dated 30.04.2007 in P.VIII.15/2006-130-EC-II and quash the same.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.S.Jeyasingh
Central Government Standing Counsel

ORDER

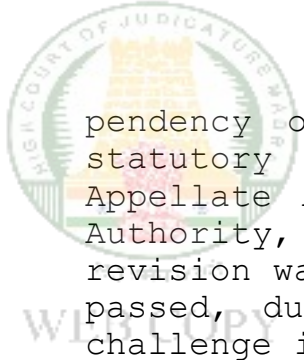
The order of termination dated 30.04.2007 is under challenge in the present writ petition.

2.The writ petitioner was joined in Central Reserved Police Force during the year 1993 and he was discharging his duty. On account of his overstayed after completion of leave period for about 86 days, the departmental disciplinary proceedings were initiated. After conducting an enquiry, the enquiry report was submitted and based on the enquiry report, the competent authority issued an order impugned dated 30.04.2007 removing the writ petitioner from service.

3.The learned counsel for the respondent states that the petitioner pleaded guilty and the finding of the Enquiry Officer was also accepted. in this regard an opportunity was provided to the writ petitioner to defend his case and in view of the fact that he pleaded guilty, the punishment of removal was imposed on the writ petitioner.

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

4.The learned counsel for the respondent states that during the



pendency of the writ petition, the writ petitioner preferred a statutory appeal and the statutory appeal was rejected by the Appellate Authority on 15.08.2012. Against the order of Appellate Authority, the writ petitioner preferred a revision and the said revision was also rejected on 13.03.2013. However, those orders were passed, during the pendency of the writ petition, are not under challenge in this present writ petition. The writ petitioner has not chosen to challenge the appellate order as well as the revision order. Under these circumstances, no purpose would be served by adjudicating the original order passed by the disciplinary authority imposing the punishment of removal from service. Thus, the writ petitioner is at liberty to challenge the appellate order and the revisional order, if he has chosen to do so.

5. With these liberty, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To
The Commandant 130 BN,
C.R.P.F.,
Lamphelpat,
Imphal, Manipur.

+1 CC to M/s.S.JEYASINGH, Advocate (SR-79531[F] dated 02/08/2019)

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-80116[F] dated 06/08/2019)

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