

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition Nos.189, 190, 225, 226 of 2020

N.Balakrishnan
Constable No.034501674 .. Petitioner in Cont.P.No.189 of 2020
Navin Kumar Sharma
CT/GD 021760082 .. Petitioner in Cont.P.No.190 of 2020
V.Haribramman
Constable No.014490477 .. Petitioner in Cont.P.No.225 of 2020
R.Rajkumar
Constable No.031630106 .. Petitioner in Cont.P.No.226 of 2020

-VS-

Mr.Rajesh Ranjan, I.P.S.,
Director General
Central Industrial Security Force
CGO Complex, New Delhi

Mr.J.J.Singh
The Deputy Inspector General
Chairman SI/Exe, LDCE 2010
Central Industrial Security Force
CGO Complex, Lodhi Road
New Delhi 110 003

Mr.Dev Datta Singh, I.P.S.,
Deputy Inspector General (Personnel)
Central Industrial Security Force
CGO Complex, New Delhi 110 003
Mr.Prateek Mohanty, I.P.S.,
Deputy Inspector General/Pers
Central Industrial Security Force
CGO Complex, Lodhi Road

New Delhi 110 003

Mr.Baskaran

The Assistant Commandant/Admn.

Central Industrial Security Force

CISF Unit, NLC, Neyveli ..

Respondents 1 to 5

in Cont.P.No.189 of 2020

Mr.Rajesh Ranjan, I.P.S.,

Director General

Central Industrial Security Force

CGO Complex

New Delhi

Mr.Dev Datta Singh, I.P.S.,

Deputy Inspector General (Personnel)

Central Industrial Security Force

CGO Complex

New Delhi

Mr.Hardeep Singh

Deputy Inspector General/CISF

Ministry of Home Affairs

D Block, Rajaji Salai

Basant Nagar

Chennai 600 090

Ms.Rekha Nambiar

Senior Commandant

Central Industrial Security Force

4th NDRF Bn., Arakkonam ..

Respondents 1 to 4 in Cont.P.Nos.

190, 225 & 226 of 2020

Petitions under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for wilful disobedience of the common order of this Court dated 28.08.2018 made in W.P.Nos.20755, 17647, 17646, 17368 of 2011.

For Petitioners

::

Mr.R.Thiyagarajan

For Respondents

::

Ms.S.Meenakumari

Senior Central Government
Standing Counsel

ORDER

These four contempt petitions have been filed by the petitioners complaining non-compliance of the common order dated 28.08.2018 passed in W.P.Nos.20755, 17647, 17646, 17368 of 2011, making it clear that if the answer sheets are not liable for destruction under any rule pursuant to which the same has been destroyed, this Court directed the fourth respondent to provide the answer sheets after obtaining the same from the examination conducting body, within a period of six weeks from the date of receipt of copy of the order.

2. Learned counsel appearing for the petitioners submitted that when the examinations were held in the month of September 2010, all the petitioners, after giving various representations to look into their grievance that their answer sheets have not been properly valued by the evaluators, came to this Court with Writ Petition Nos.20755, 17647, 17646, 17368 of 2011 seeking a direction to the respondents to furnish the copies of the answer sheets and this Court, by order dated 28.8.2018, gave a direction to the fourth respondent to provide the copies of the answer sheets to the petitioners. Now the respondents cannot say that the records are destroyed

and the answer sheets are not available, hence, the petitioners cannot be provided with the copies. Again referring to the CISF Circular No.12/2003/R&S dated 6.8.2003 issued by the Directorate General, Central Industrial Security Force, Ministry of Home Affairs, he stated that the said circular clearly says that there is a rule being followed for adopting the time schedule for retention, maintenance, preservation and weeding of applications in respect of the recruitment conducted by the CISF. So far as the applications of candidates involved in Court cases are concerned, the answer sheets can be destroyed within one year after the matter is finally disposed off by the concerned Court. But in the cases on hand, when the petitioners filed the writ petitions in September, 2011 and the matters were disposed of only on 28.8.2018, the respondents cannot say that in view of the long lapse of time, the answer sheets were destroyed. Therefore, they should be directed to provide the copies of the answer sheets as directed by this Court earlier.

3. In reply, the learned Senior Central Government Standing Counsel appearing for the respondents submitted that although the petitioners took up their examination in the month of September 2010, finding that they were not selected, they have given representations to the respondents making various prayer and request and subsequently, they came to this

Court with the aforementioned writ petitions. But at no point of time, they have obtained any interim order directing the respondents to preserve their answer sheets. In view of the fact that there was no order to preserve the answer sheets of the petitioners, the respondents went by the rules and destroyed the answer sheets. Therefore, when no material paper is available with them, the petitioners cannot insist upon the fourth respondent to furnish the copies of their answer sheets. Moreover, the vacancies for which they had applied have all been filled up by now, in view of the passage of time. Hence, literally speaking, the prayer in the writ petitions has also become infructuous. Secondly, this Court also, in its order dated 28.8.2018, knowing pretty well that as per the rules, the weeding out process would have started for destroying the unwanted applications, made it clear that if the answer sheets are available and not destroyed, the same can be provided. In view of the long passage of time, since all the papers have been destroyed, the petitioners are not entitled to be furnished with the copies.

4. This Court fully agrees with the submissions made by the learned Senior Central Government Standing Counsel for the respondents. As rightly pointed out by him, when the examinations were held in the month of September 2010, the petitioners came to this Court with Writ Petition Nos.20755, 17647, 17646, 17368 of 2011 and they have not even obtained

any order directing the fourth respondent to preserve the answer sheets. Therefore, naturally the respondents, being bound by the rules, have destroyed the answer sheets. Even assuming that the answer sheets of the petitioners are available, no purpose is going to be served, in view of the long passage of time, for the simple reason that the respondents must have filled up all the vacancies for which they had applied. It may be mentioned once again that this Court has not also issued any direction directing the respondents to keep the post vacant. Therefore, when the prayer made in the writ petitions itself has become infructuous, in view of the long passage of time, this Court is not inclined to entertain the contempt petitions. Accordingly, the contempt petitions stand dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

SS

सत्यमेव जयते
//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

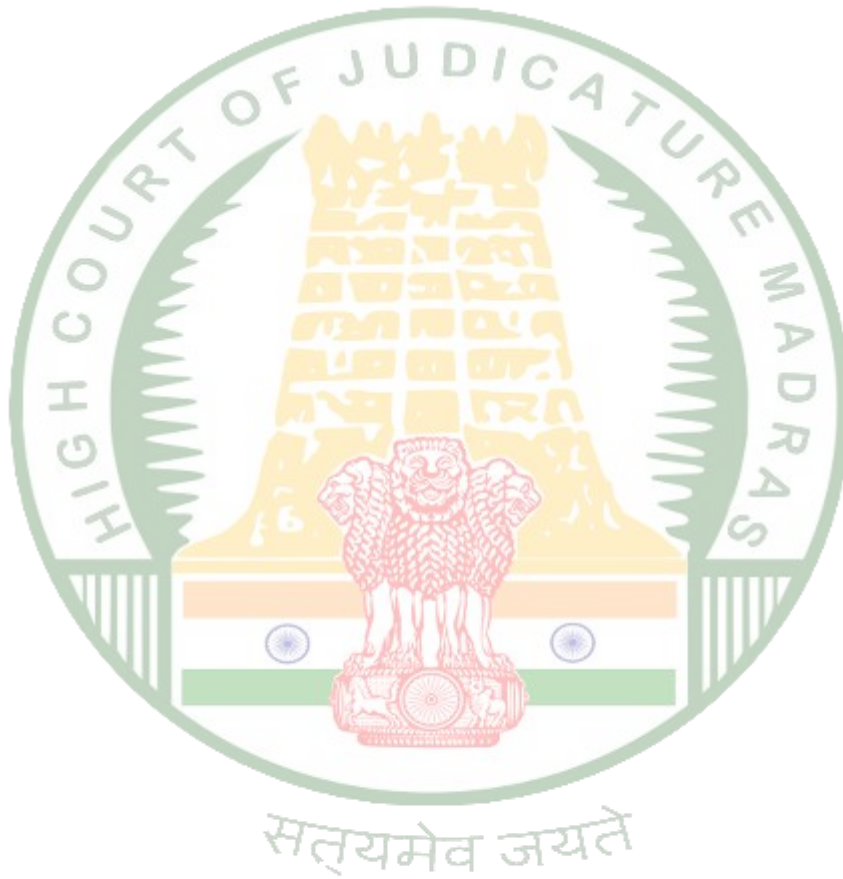
SMI/04/06/2020

To

- 1) Director General
Central Industrial Security Force
CGO Complex, New Delhi
- 2) The Deputy Inspector General
Chairman SI/Exe, LDCE 2010
Central Industrial Security Force
CGO Complex, Lodhi Road
New Delhi 110 003
- 3) Deputy Inspector General (Personnel)
Central Industrial Security Force
CGO Complex, New Delhi 110 003
- 4) Deputy Inspector General/Pers
Central Industrial Security Force
CGO Complex, Lodhi Road
New Delhi 110 003
- 5) The Assistant Commandant/Admn.
Central Industrial Security Force
CISF Unit, NLC, Neyveli
- 6) Director General
Central Industrial Security Force
CGO Complex
New Delhi
- 7) Deputy Inspector General (Personnel)
Central Industrial Security Force
CGO Complex
New Delhi
- 8) Deputy Inspector General/CISF
Ministry of Home Affairs
D Block, Rajaji Salai

Besant Nagar
Chennai 600 090

9)Senior Commandant
Central Industrial Security Force
4th NDRF Bn., Arakkonam



WEB COPY