

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2170 of 2020 and

WMP Nos.2545 of 2020

Shavik Ravipati Munwar Basha
Ex.Constable /GD of CISF 10th Reserve Battalion,
Arakkonam TN,
presently residing at 7-21C,
Anumalaveedu Village and Post,
Prakasam District,
Andhra Pradesh - 523 368

... Petitioner

.Vs.

1. The Inspector General, APS-II,
South West Head Quarters,
Central Industrial Security Force,
Airport Security Group,
Kempegowda International Airport,
Bengaluru - 560 300.
2. The Deputy Inspector General /AP-SZ,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai 600 090.
3. The Senior Commandant,
Central Industrial Security Force Unit,
10th Reserve Battalion,
Arakkonam
Ranipet District - 631 152.
4. The Assistant Commandant,
Central Industrial Security Force,
Aviation Security Group,
Calicut Airport,
Calicut 673 647.

... Respondents

Prayer:- Writ petition 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 impugned order passed by the 3rd respondent dated 13.01.2020 in his order No.V-15014/10th RB (A) /Maj-06/SR/MB/2019 /2017 and quash the same and direct the respondents to take the petitioner into the

strength of the CISF with all consequential service cum monetary benefits.

For Petitioner :Mr.R.Thiyagarajan

For Respondents:Mr.S.Parvesh Kannan

Central Government Standing Counsel

ORDER

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the order passed by the 3rd respondent on 13.01.2020, imposing the punishment of removal from service.

3. It is seen from the impugned order that the order itself clearly states that the petitioner can prefer an Appeal against this order passed by the 3rd respondent, within a period of 30 days before the Deputy Inspector General, CSIF. The petitioner has approached this Court without exhausting this remedy. When there is an alternative remedy, this Court does not exercise its jurisdiction under Article 226 of Constitution of India, unless the order is passed opposed to principles of natural justice or has been passed without jurisdiction. In the present case, the order passed by the 3rd respondent requires consideration on merits and therefore, the Appellate Authority would be more competent to go into the facts and re-appreciate the facts, which this Court cannot do under Article 226 of Constitution of India.

4. In the result, this writ petition is dismissed by giving liberty to the petitioner to file an appeal before the Deputy Inspector General, CSIF (DIG, CSIF). The petitioner shall file the appeal within a period of two weeks from the date of receipt of copy of this order and the DIG, CSIF shall entertain the appeal and shall not reject the same on the ground of limitation. The appeal shall be considered on its own merits and in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

5. The Registry is directed to return the certified copy of the original order passed by the 3rd respondent dated 13.01.2020 to the learned counsel for the petitioner.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

Note : Issue order copy on 03.02.2020

The Registry is directed to mark a copy of this order to the Deputy Inspector general, CSIF, AP-SZ HQrs, Chennai

To

1. The Inspector General, APS-II,
South West Head Quarters,
Central Industrial Security Force,
Airport Security Group,
Kempegowda International Airport,
Bengaluru - 560 300.
2. The Deputy Inspector General /AP-SZ,
Central Industrial Security Force,
South Zone, Head Quarters,
Rajaji Bhavan, Besant Nagar,
Chennai 600 090.
3. The Senior Commandant,
Central Industrial Security Force Unit,
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Arakkonam
Ranipet District - 631 152.
4. The Assistant Commandant,
Central Industrial Security Force,
Aviation Security Group,
Calicut Airport,
Calicut 673 647

Copy to

The Section officer
ER Section
High Court, Madras 104.

+1 CC to Mr.S.Parvesh Kannan, Advocate sr 7382.

+1 CC to Mr.R.Thiyagarajan, Advocate sr 7387.

WEB COPY

W.P.No.2170 of 2020

SP(03/02/2020)