

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on	21/1/2020
Judgment pronounced on	10/3/2020

C O R A M

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

a n d

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition Nos.38214 of 2016 and 16116 of 2019

Writ Petition No.38214 of 2016

Lakshmichandra Harishchandra Sharma ... Petitioner
Commandant (0090-D)

Vs

1. Union of India
rep. by the Secretary Government of India
Ministry of Defence
I Floor, South Block
DHQ P.O.
New Delhi 110 011.
2. The Director General
Coast Guard Head Quarters
National Stadium Complex
New Delhi 110 001.
3. The Commander
Head Quarters - Coast Guard Region (East)
Near Napier Bridge
Chennai 600 009.
4. The Principal Controller of Defence Accounts (Navy)
Office of the PCDA (Navy), CG Section
No.1 Cooperage Road
Mumbai 400 039.

5. The Officer In-charge
Coast Guard Stores Depot (Chennai)
G.M.Pettai Road, Royapuram
Chennai 600 013. ... Respondents

* * * * *

Writ Petition No.16116 of 2019

Sanjay Patil ... Petitioner
Commandant(Junior Grade)Retd

Vs

1. Union of India
Ministry of Defence
Room No.234 South Block
Ministry of Defence
New Delhi.
2. The Director General
Indian Coast Guard
Coast Guard Headquarters
National Stadium Complex
New Delhi 110 001. ... Respondents.

Prayer in Writ Petition No.38214 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of declaration to declare Rule 20 (1) of the Coast Guard (General) Rules, 1986 and relevant SRO 76 dated 19th April 1999 fixing the retirement age as 57 for Commandant as null and void and nonest in law, consequently, quash the impugned orders in No.2215/1 dated 13/7/2016 and No.2215/1 dated 6/9/2016 passed by the third respondent and direct the respondents to fix the retirement age of the petitioner as 60 years at par with Deputy Inspector General of Indian Coast Guard instead of 57 years with all consequential service and other attendant benefits.

(Prayer amended as per order dated 18.11.2016 made in WMP.No.38214/16)

Prayer in Writ Petition No.16116 of 2019: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of declaration to declare Rule 20 (1) of The Coast Guard (General) Rules, 1986 as unconstitutional and consequently direct the respondents to continue the petitioner in service until the retirement age of 60 with all consequential and attendant benefits.

For petitioners
W.P.No.38214 of 2016

... Mr.D.Prabhu Mukunth Arunkumar

In W.P.No.16116 of 2019 ... Mr.Niranjan Rajagopalan
for M/s.G.R.Associates

For respondents

In W.P.No.38214 of 2016 ... Mr.K.Gunasekar
SPCCG for R.R.1 to 5

In W.P.No.16116 of 2019... Ms.S.S.Meenakumary
for R.R.1 and 2

C O M M O N J U D G M E N T

(Judgment of the Court was made by Subramonium Prasad,J)

In the light of the judgment passed in Review Application No.156 of 2019 in W.P.No.29647 of 2019, wherein we have directed as follows:-

Union of India to consider the case of the Officers below the rank of Commandant in Coast Guard as to whether their retirement age can also be increased to 60 years or not. We therefore recall the Review Petition and restore the Writ Petition to its original number and dispose of the writ petition directing Union of India to consider the case of the Coast Guard also which is also a para-military force, performing functions akin to CRPF, ITBP and BSF. Union of India is directed to consider as to whether the age of retirement of the Officers below the rank of Commandant in Coast Guard be increased to 60 as is being considered for other para-military forces as directed by the High Court. Union of India is directed to take a decision in this regard within a period of three months from the date of the receipt of the copy of this order.

2. In view of the above, instant writ petitions are disposed of with the same direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

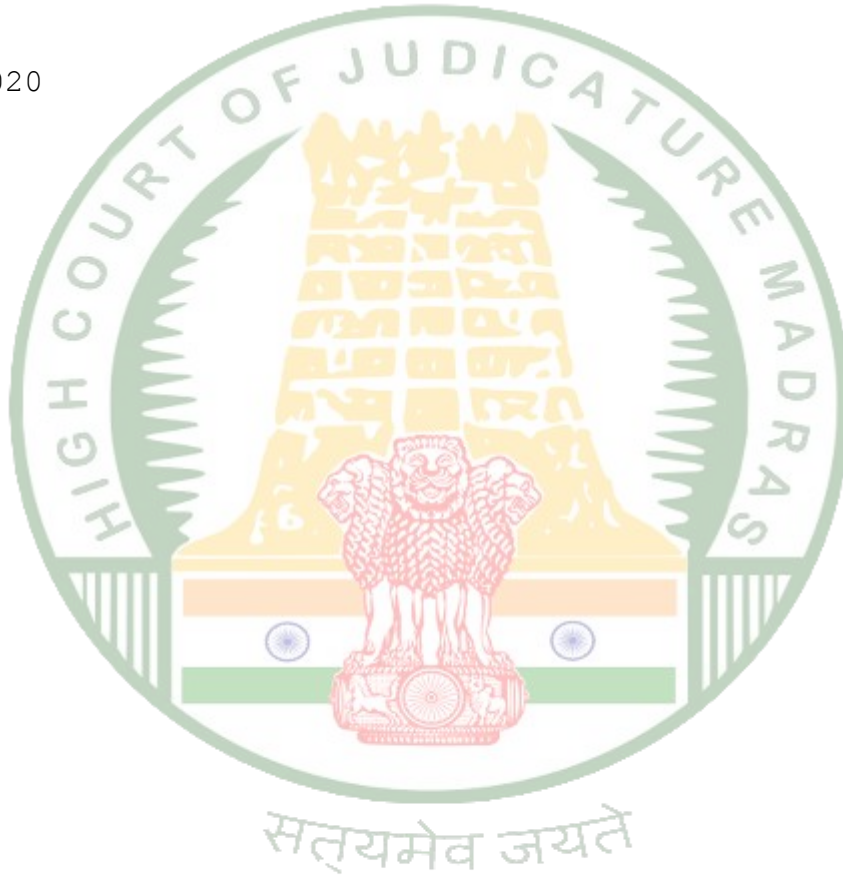
mvs/pkn.
To

1. The Secretary Government of India
Union of India
Ministry of Defence
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New Delhi 110 011.
2. The Director General
Coast Guard Head Quarters
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Coast Guard Stores Depot (Chennai)
G.M.Pettai Road, Royapuram
Chennai 600 013.

+1 cc to Mr.K.Gunasekar Advocate sr21844
+1 cc to Mr.S.meena kumari advocate sr20999
+1 cc to Mr.P.prabhu Mukunth Arun kumar Advocate sr21329
+1 cc to M/s.G.R.Associates sr21068

Pre-delivery common judgment
in
Writ Petition Nos.38214 of 2016 and 16116 of 2019

gmr(co)
aa19/03/2020



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