

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.22633 of 2014
and
M.P.No.1 of 2014

Gulabsingh

.. Petitioner

vs.

- 1.The Union of India,
Rep . by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
- 2.The Director General,
Central Industrial Security Force,
NO.13, CGO Complex,
Lodhi Road,
New Delhi-110 003.
- 3.The Inspector General,
Central Industrial Security Force,
Southern Sector, Head Quarters,
Near War Memorial,
Chennai 600 009.
- 4.The Deputy Inspector General,
Central Industrial Security Force,
South Zone Head Quarters,
Rajaji Bhawan,
Besant Nagar, Chennai 600 090.
- 5.The Senior commandant,
Central Industrial Security Force Unit,
Visakhapatnam Steel Plant,
Visakhapatnam,
Andhra Pradesh.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 4th respondent to pass orders on the representation of the

petitioner dated 20.12.2012 and to direct the 5th respondent to give the rank of Head constable with effect from 21.12.2011 to till date and back wages to the petitioner with all monetary benefits.

For Petitioner : M/S.A.S.Mujibir Rahman
For Respondent(s) : Mr.Ashokkumar

ORDER

This writ petition has been filed by the petitioner to direct the 4th respondent to pass orders on the representation of the petitioner dated 20.12.2012 and to direct the 5th respondent to give the rank of Head constable with effect from 21.12.2011 to till date and back wages to the petitioner with all monetary benefits.

2.The case of the petitioner is that, he joined as constable in the Central Industrial Security Force on 20.12.1988 and he had served all over India. While he was serving at R.S.P. Rourkela, he was promoted as Head Constable and posted to the CISF Unit, VSP Visakapattinam, under the 4th respondent on 21.12.2011 and after completion of all necessary formalities. Whiles, the 5th respondent, on 26.04.2012, addressed a communication to the General Manager (M&HS) VSGJH, VSP Visakapatnam, pointing out some physical infirmities in the petitioner due to sustenance of internal injury on his right hand while on active duty on 04.01.2011. Pursuant to the same, the petitioner was referred to VSP General Hospital for obtaining SHAPE category certificate. Initially the petitioner was allotted the number as 88447120 but on promotion he was reallocated a new CISF No.884471277 due to which he was denied promotion at the relevant point of time. Assailing non-grant of promotion, the present petition has been filed.

3.Though very many grounds have been raised in the affidavit filed in support of the petition, it is submitted by the learned counsel for the petitioner that though the petitioner had obtained relevant certificates from three different authorities, however, the respondent without considering the said certificates had not granted promotion to the petitioner in time, but granted promotion only in the year 2012 which is unsustainable one. Though the DPC has declared the petitioner fit for promotion, without any reason, he was denied promotion by the respondents. In spite of several representations to the 5th respondent for promotion with all benefits, however, the same did not evoke any response. Therefore, the petitioner made another representation with relevant enclosures to the 4th respondent on 20.10.2012, for

considering his case for promotion from 2011 onwards. Therefore, it is submitted it would suffice, if this Court directs the respondents to consider the petitioner's representation dated 20.10.2012 and pass orders thereon within a reasonable time as fixed by this Court.

4. Per contra, the learned standing counsel appearing for the respondents, referring to the counter affidavit filed, countered the submissions advanced by the petitioner for not granting promotion and further submitted that the petitioner having been granted promotion with effect from 11.02.2012, nothing survives for adjudication. However, it is submitted by the learned standing counsel that in view of the limited relief sought for, this Court may direct the respondents to consider the representation submitted by the petitioner and pass orders on merits and in accordance with law within a particular time frame.

5. Though very many contentions and counter contentions have been raised and in fact, it is submitted that promotion has been granted to the petitioner, which according to the petitioner is not on time by taking into consideration the certificates of physical fitness submitted by the petitioner, in view of the limited relief sought for, this Court, without going into the merits of the contentions, is inclined to issue a direction to the 1st respondent to consider the petitioner's representation dated 20.10.2012, in accordance with law, within a particular time frame.

6. Accordingly, this writ petition is disposed of directing the 1st respondent to consider the petitioner's representation dated 20.10.2012, on merits and in accordance with law within a period of three months from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrs

To

1. The Union of India,
Rep . by its Secretary to Government,
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New Delhi.

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5.The Senior commandant,
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Visakhapatnam,
Andhra Pradesh.

+1cc to Mr.A.S.Mujipur Rahman, Advocate, S.R.No. 37132

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GN(05/02/2021)



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