

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO. 35549 of 2019

Shyam Purn

... Petitioner

-Vs-

The Senior Commandant
04th Battalion
National Disaster Response Force
Suraksha Campus Post
Arakkonam, Ranipet District
Tamilnadu 631 152

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or direction to call for the records relating to the order passed by the respondent in his letter No.V 42099/04 BN NDRF(A)/Appeal/Disc/2019/2165 dated 29.03.2019 and quash the same and to direct the respondent to entertain the petitioner Appeal Petition dated 11.03.2019 according to CISF Act & Rules.

For Petitioner : Mr.R.Thiyagarajan

For Respondents: Mrs.S.S.Meenakumari
Senior Central Government Standing
Counsel.

ORDER

This Writ Petition has been filed challenging the order passed by the respondent dated 29.03.2019, rejecting the appeal filed by the petitioner on the ground that the appeal has been filed beyond time and that there is no sufficient cause shown by the petitioner for causing such an enormous delay of nearly 5 years in filing the appeal.

2. The petitioner joined CISF in the year 2007. Disciplinary proceedings were initiated against the petitioner and the same resulted in a punishment imposed against the petitioner by order dated 31.07.2014, wherein punishment of

censure was imposed. The order itself provides for an appeal before the respondent and 30 days was given for filing this appeal.

3. The petitioner had filed the appeal before the respondent only on 11.03.2019 with a delay of 4 years and 7 months. The petitioner had stated in his petition that he was physically and mentally disturbed and, therefore, he was not in a position to file the appeal for the period from 2014 to 2019. The respondent, on considering the appeal filed by the petitioner, found that the petitioner has not given any sufficient reasons to justify such an enormous delay and consequently, the appeal was rejected.

4. This Court does not find any illegality or infirmity in the order passed by the respondent. The petitioner must have been vigilant enough to file an appeal atleast within a reasonable time. The petitioner has approached the respondent with an enormous delay of 4 years and 7 months and the only reason that has been assigned by the petitioner is that he was physically and mentally disturbed. This reason is very general and it cannot justify the condonation of such an enormous delay. Therefore, the respondent was right in rejecting the appeal.

5. In the result, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Senior Commandant,
04th Battalion,
National Disaster Response Force,
Suraksha Campus Post,
Arakkonam, Ranipet District,
Tamilnadu 631 152.

+1cc to Mr.R.Thiyagarajan, Advocate Sr.10287
+1cc to M/s.S.S.Meena Kumari, Advocate Sr.10475

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srg 13/03/2020