

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14392 of 2019

S.Chandrasekaran

...Petitioner

Vs

- 1 Union of India
Rep. by Secretary to Home Ministry of India
North Block Central Secretariat New Delhi
110001.
 - 2 Director General - BSF
Headquarters Border Security Force Block
No.10 CGO Complex Lodhi Road New Delhi
110003.
 - 3 Inspector General BSF
FTR HQ (SPL OPS) BSF ODISHA at Bangalore
Post and Ps. AFS Station Yelahanka Bangalore
Karnataka - 560064.
 - 4 Deputy Inspector General BSF
SHQ BSF Chennai Village - Keerapkkam
PO - Nallambakkam PS- Kayar,
Chennai 600 127.
 - 5 The Director
Accounts PAD BSF New Delhi Pushpa Bhavan
Madangir New Delhi -100062.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Declaration declaring therein that Rule 11 of Border Security Force Radio operator and Radio Mechanic (Non - Gazetted) Cadre Recruitment Rules 2018 prescribing A person appointed under the provisions of these rules shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty - seven years as arbitrary unconstitutional discriminatory unjust

unreasonable classification violation of Articles 14 and 16 of the Constitution by striking out the same from the statute mentioned herein above together with a consequential direction to the respondents to amend the impugned rule referred to hereinabove, by way of enhancing the superannuation age from the present 57 years to 60 years, thus ensuring uniformity/nondiscrimination in the aforesaid rules at par with Rules applicable for other Central Allied Police Forces(CAPFs).

For petitioner : Mr.A.Irudayam

ORDER

(Made by The Hon'ble Chief Justice)

It is submitted on behalf of the writ petitioner that nothing survives of the writ petition in view of a Government of India notification issued on August 19, 2019.

2. As a consequence, W.P.No.14392 of 2019 is dismissed as infructuous, without going into the merits thereof. There will be no order as to costs. Miscellaneous petition, W.M.P.No.14428 of 2019, is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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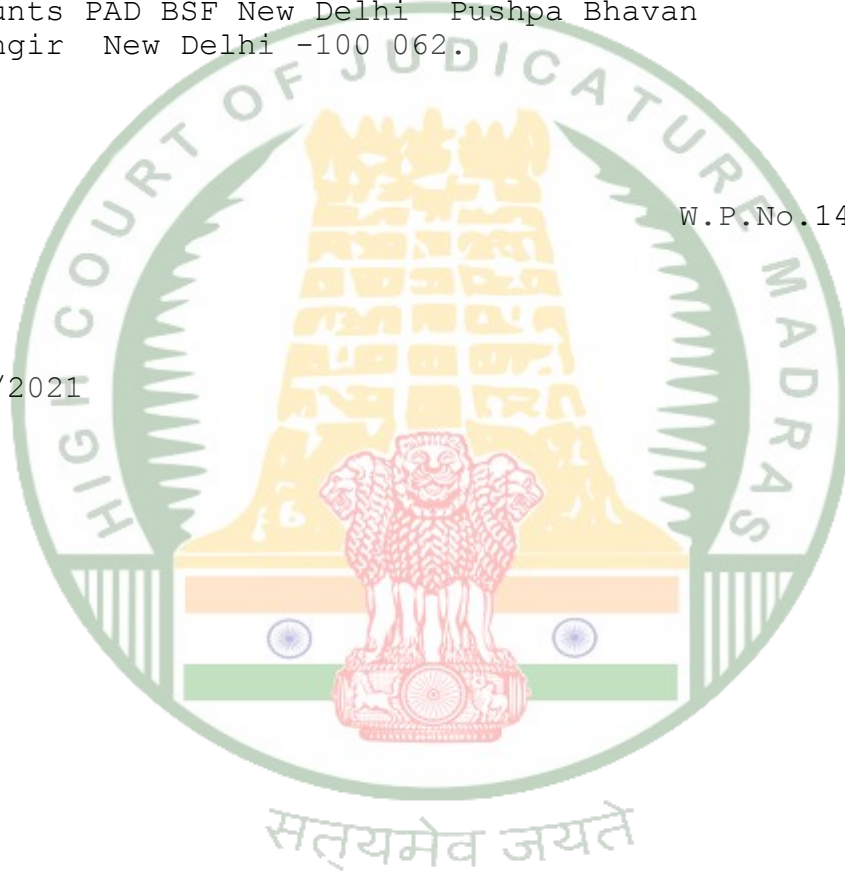
To

- 1 Secretary to Home
Ministry of India
North Block Central Secretariat New Delhi
110001.
- 2 Director General - BSF,
Headquarters Border Security Force Block,
No.10 CGO Complex Lodhi Road,
New Delhi 110003.

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