



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.24510 of 2021

G.Franklin

..Petitioner

Vs

1. The Deputy Inspector General of Police,
Group Centre,
CRPF, Avadi,
Chennai - 65.
2. The Deputy Inspector General of Police,
Group Centre CRPF Ranchi,
Dhurwa (Jharkhand)
Pin - 834 004.
3. The Commandant,
69 BN, CRPF,
Mantripukhri,
Imphal East (Manipur),
Pin - 795 002.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 3rd respondent to furnish the copy of the order of termination passed in P.VIII-2/2019-69-EC-2 dated 28.12.2019.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus to direct the 3rd respondent to furnish the copy of the order of termination passed in P.VIII-2/2019-69-EC-2 dated 28.12.2019.



2. The case of the petitioner is that he was employed as a constable/driver in the Central Reserve Police Force (CRPF) on 08.07.2000. According to him, he was married subsequently on 09.09.2013 and from the wedlock, he has two daughters. According to him, there was a matrimonial discord as between him and his wife which led to the filing of a complaint against him before the superior authorities. It also appears that his wife has also filed a maintenance case in O.S.No.289/2018 before the Subordinate Judge, Padmanabapuram and summons was also issued to him to appear. It is also the case of the petitioner that due to the extreme stress undergone by him with a disturbed family situation, he was forced to take treatment for a considerable length of time. In view of the same, the petitioner could not attend duty. Unfortunately and suddenly, he was informed that he was dismissed from service by order dated 20.12.2019.

3. The grievance of the petitioner herein is that he was not served with any notice nor was any enquiry conducted against him. Without following any procedure, the respondents dismissed him from service. As the copy of the order of dismissal has not been furnished to him as on date, he is unable to even prefer an appeal against the order to the appellate authority. In the said circumstances, he is before this Court for a prayer to issue a Writ of Mandamus.

4. The Mandamus jurisdiction of this Court under Article 226 cannot be invoked just to direct the authority to furnish a copy of the adverse order passed against the petitioner. It is also not the case of the petitioner in the writ petition that he has approached the authority concerned for a copy of the dismissal order and was refused.

5. In fact, it was stated in the affidavit that a copy of the dismissal order was sent by post and it was addressed to the place where his wife was living.

6. In any event, this Court cannot direct the authority to furnish a copy of the order, when the petitioner has an alternative remedy to invoke the Right to Information Act for the said purpose. When effective alternative remedy is available under the Right to Information Act, bypassing the said remedy and approaching this Court invoking constitutional jurisdiction for a simple claim for furnishing a copy of the dismissal order, is to be discountenanced in law. This Court's constitutional jurisdiction cannot be slighted by seeking such relief when there are remedies available elsewhere for the petitioner under



different enactment. This Court is of the clear view that the nature of writ that has been sought need not be granted as that would be demeaning the exercise of the constitutional jurisdiction of this Court as the petitioner has a remedy elsewhere. Therefore, this Court does not think that the present writ petition is to be entertained.

7. Accordingly, the Writ Petition stands dismissed at the admission stage. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

vsi
To

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+1 CC to Mr.S.Doraisamy, Advocate sr 59338.

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AD(CO)
SP(30/11/2021)