



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2021**

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P (MD) .No.14231 of 2012

S.GNANAGURUMOORTHY,

..PETITIONER

VS.

- 1 THE UNION OF INDIA,
REP. BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF HOME AFFAIRS,
NEW DELHI.
- 2 THE DIRECTOR GENERAL,
CENTRAL RESERVE POLICE FORCE,
CGO COMPLEX, LODHI ROAD,
NEW DELHI.
- 3 THE DEPUTY INSPECTOR GENERAL OF POLICE,
CENTRAL RESERVE POLICE FORCE,
SPECIAL RANGE, DELHI.
- 4 THE DEPUTY INSPECTOR GENERAL OF POLICE,
CENTRAL RESERVE POLICE FORCE,
GROUP CENTRE, AVADI,
CHENNAI-65.
- 5 THE COMMANDANT,
CENTRAL RESERVE POLICE FORCE,
118 BATTALION,
CHANDIGARH UNION TERRITORY.

.. RESPONDENTS

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 5th respondent in his Office Order No.P.III-7/98-118-EC-II dated ...12.1998 and quash the same and to direct the respondents to take the petitioner in to the strength of Central Reserve Police Force as Constable with all benefits.



For Petitioner : Mr.K.Vadivelu
For Respondents : Mr.R.Murugappan
SPCCG

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ORDER

This writ petition has been filed to quash the impugned order passed by the 5th respondent in his Office Order No.P.III-7/98-118-EC-II dated12.1998 and quash the same and to direct the respondents to take the petitioner in to the strength of Central Reserve Police Force as Constable with all benefits.

2. The case of the petitioner is that the petitioner joined in the Central Reserve Police Force in the year 1991 as Constable GD at Chennai. After completion of training, he was posted at 118 Battalion at Behair. Thereafter, he served all over India including the difficult area. While he was serving at Chandigar under the fifth respondent, a charge memo was issued on 30.08.1998 and after conducting departmental enquiry, the petitioner was removed from service on 24.12.1998. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that though so many grounds were raised in the writ petition, however, as per the counter affidavit, an appeal provision is available for challenging the order of the original authority, ie., before the Inspector General of Police, Bihair. He would further submit that it would be suffice that this Court may grant liberty to the petitioner to file an appeal before the Appellate Authority within a reasonable time as fixed by this Court and further, this Court may fix a time limit to the appellate authority to dispose of the said appeal.

4. The learned counsel for the respondents has no serious objection to consider the request made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case, and also considering the limited request made by the learned counsel for the petitioner, this Court, without going to the merits of the case, is inclined to issue a direction to the appellate authority to dispose of the appeal. Accordingly, the petitioner is at liberty to file an appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order. On such appeal, the appellate authority shall consider the appeal and dispose of the same as per CRPF Rules and in accordance with law, within a period of twelve(12) weeks thereafter.



6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE UNION OF INDIA,
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CENTRAL RESERVE POLICE FORCE,
GROUP CENTRE, AVADI, CHENNAI-65.
- 5 THE COMMANDANT, CENTRAL RESERVE POLICE FORCE,
118 BATTALION, CHANDIGARH UNION TERRITORY.

+1 CC to M/s.A.S.MUJIBUR RAHMAN, Advocate (SR-9932[F] dated 10/03/2021)

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SSS (CO)

TR(23.04.2021) 3P 7C

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