



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17273 of 2018

R.N. Tagore

... Petitioner

Vs

1. The Union of India
Rep. by the Secretary,
Ministry of Home Affairs
New Delhi.
2. The Director General,
Central Reserve Police Force,
CGO Complex,
Lodhi Road,
New Delhi-110 003.
3. The Additional Director General of Police,
South Zone Hqr., GC, CRPF,
Chandrakutta,
Hyderabad-500 005.
4. The Inspector General of Police,
Southern Sector CRPF,
Road No.10C, Jubilee Hills,
Near MLA/MPs Colony
Gayathri Hills
Hyderabad-500033.
5. The Deputy Inspector General of Police,
Group Centre, C.R.P.F.,
Avadi, Chennai-600 065.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 5th respondent's order dated 10.12.2014 in proceedings No.P.VIII.4/2014-EC(2), and consequential appeal order dated 05.11.2015 of 4th respondent in proceeding No.R.XIII-54/2015-Adm-7 and revision order dated 28.07.2016 of 3rd respondent in proceedings No.R-XIII-16/2016-SZ-Legal and quash the same directing the respondent to re-instate the petitioner into service and conduct denova enquiry by providing all relevant documents/information as asked by him



under RTI Act giving reasonable opportunities to him.

For Petitioner : M/s.R.Gowri
for M/S.Meenakshi

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For Respondents: Mr.K.Srinivasamurthy
Central Government Standing Counsel

O R D E R

With the consent of the both the parties, this Writ Petition is taken up for final hearing.

2.On set of charges involving pilferage of gas cylinders and alleged embezzlement of money, the petitioner herein was proceeded against departmentally and an order of dismissal from service was imposed by the Disciplinary Authority on 10.12.2014. The punishment came to be confirmed on appeal by the 4th respondent herein on 05.11.2015 and the further representation was also rejected by the 3rd respondent on 28.07.2016. Aggrieved over these orders, the present Writ Petition has been filed.

3. In connection with the similar set of charges against some of the Co-delinquents, this Court had passed an order in the case of S.K.Singh vs. Deputy Inspector General of Police, CRPF and others in W.P.No.26914 of 2015 dated 22.02.2019, whereby this Court had observed that there was discrimination among Co-delinquents, who faced similar charges and accordingly granted liberty to the petitioner therein for filing a representation before the Revisional Authority with the direction that such revision should be decided on the basis of the favourable orders passed in favour of the Co-delinquents. The relevant portion of the orders reads as follows:

"5.It is submitted by the learned Central Government Counsel for the respondents that out of five officials viz., Rohini Raja, K.Selvam, R.N.Tagore, M.Saravanan and R.Neelamanivanan, against whom similar charges were levelled, M.Saravanan and R.Neelamanivanan were reinstated in service, in pursuant to their filing of revision before the Revisional Authority. He further submitted that K.Selvam had been superannuated from service w.e.f 31.05.2014, whereas Rohini Raja and R.N.Tagore have paid the money due as claimed in the charge memo and that those two persons have also filed a writ petition before the High Court of Andhra Pradesh and got interim



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stay. In other words, the learned Central Government Counsel, based on the status report filed before this Court admitted the position that while M.Saravanan and R.Neelamanivanan were reinstated in service pursuant to the filing of their revision petition, the other two officials were also allowed to function in pursuant to the pendency of the writ petition before the High Court of Andhra Pradesh and also before this Court and also on account of the payment made by them as stated supra.

6. Since it is seen that in respect of similar charges, two other officials were reinstated in service subsequent to the filing of their revision and other two persons are allowed to continue in service, as discussed supra, this Court is of the view that without going into the merits of the contentions raised by both parties, the petitioner can file similar revision before the Additional Director General, South Zone being the Revisional Authority and once such revision is filed, the said Revisional Authority shall consider such revision in the light of the order already passed in the revision filed by the said M.Saravanan and R.Neelamanivanan. 7. Considering the fact that the petitioner is going to retire on 28.02.2019, such revision shall be filed by the petitioner within a period of seven days from the date of receipt of a copy of this order. On receipt of such revision, the Revisional Authority shall pass appropriate orders in the light of the order already passed in the case of M.Saravanan and R.Neelamanivanan, so as to enable the petitioner to get similar benefit, as has been extended to the other two individual officials. Such order shall be passed by the said Revisional Authority within a period of four weeks from the date of receipt of such revision. "

4. It is also seen that when the Revisional Authority had passed orders in respect of some of the Co-delinquents, whose cases were referred to in the S.K.Singh's case (supra), the original punishment of dismissal from service came to be modified into the penalty of "Stoppage of next three increments



for a period of three years which will have the effect of postponing their future increments". These penalties imposed by the Revisional Authority in the case of R. Neelamanivanan, A. Ramanathan, K. Saravanan and S.K.Singh had become final. When a similar set of charges have been levelled against some of the Co-delinquents, whose punishment has been modified by the Revisional Authority, the petitioner herein would also be entitled to have the benefit of such modified punishment.

5. In this background, the order dated 28.07.2016 of the 3rd respondent passed in the revision, is set aside and the matter is remanded back to the 3rd respondent for fresh consideration. While considering the revision afresh, the 3rd respondent shall take into account the orders passed by this Court in S.K.Singh case (supra), as well as the orders passed by the Revisional Authority in revision in the cases of R. Neelamanivanan dated 06.06.2016, A. Ramanathan dated 31.10.2016, K. Saravanan dated 11.01.2017 and S.K.Singh dated 08.11.2021 and shall endeavour to pass similar modified orders of punishment in the case of the petitioner also. The 3rd respondent herein shall pass such orders within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

anu/rst

To:

1. The Secretary,
Union of India
Ministry of Home Affairs
New Delhi.
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Group Centre, C.R.P.F.,
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+1cc to Mr.K.Srinivasamurthy, Advocate, S.R.No.2065

+1cc to M/s.R.Meenakshi, Advocate, S.R.No.2162

W.P.No.17273 of 2018

MT (CO)
CB(01/02/2022)