

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.2572 of 2014  
and  
M.P.No.1 of 2014

M.Mathaiayan

... Petitioner

Vs.

1. Union of India  
represented by the Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi - 110 001.

2. The Director General,  
Central Reserve Police Force,  
C.G.O. Complex,  
Lodhi Road,  
New Delhi - 110 003.

3. The Inspector General of Police,  
Southern Sector,  
Central Reserve Police Force,  
Hyderabad.

4. The Deputy Inspector General of Police,  
CRPF, Avadi,  
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 relating to the order passed by the fourth respondent dated 31.08.2013 in his Order No.M.V.2/2013-14-GCA (RTI)-RK and quash the same and to direct the respondents to pass order on the representation of the petitioner dated 30.05.2013 and to permit the petitioner to retire on medical invalidation with effect from 31.05.2013 and to pay the extraordinary pension, Risk Fund Benefits and disability benefits or to promote the petitioner as Inspector notionally and pay the benefits by revising the pension from 01.06.2013 and continue to pay to the petitioner.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents: Mr.N.Raja, CGSC

O R D E R

The order declining the request of the writ petitioner to grant medical invalidation benefits under the rules is under challenge in this present writ petition.

2. Learned counsel appearing on behalf of the petitioner, after advancing elaborate arguments on 22.06.2022, today [27.06.2022], made an submission that the petitioner is not willing to pursue his grievances regarding the medical invalidation. In other words, learned counsel states that the petitioner has dropped his claim for medical invalidation benefits. However, the case of the petitioner was not considered for promotion to the post of Sub-Inspector during the relevant point of time.

3. The present writ petition has been filed questioning the order passed by the competent authority rejecting the claim of the petitioner for medical invalidation. In respect of promotion, it is be considered with reference to the rules in force. Whether the petitioner, during the relevant point of time was eligible for promotion or not, more so, in accordance with the seniority, all such factors are to be considered by the competent authority with reference to the service records of the petitioner. Thus, the petitioner is at liberty to approach the competent authority in respect of other grievances and in the event of any such approach, the competent authority shall consider the same on merits and in accordance with law. With reference to the relief sought for in the present petition, the petitioner has not pressed the same.

Accordingly, this Writ Petition is disposed of with the above liberty. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gm

To

1. Union of India  
represented by the Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi - 110 001.
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Hyderabad.
4. The Deputy Inspector General of Police,  
CRPF, Avadi,  
Avadi, Chennai - 600 065.

+1cc to Mr.A.S.Mujibur Rahman, Advocate, S.R.No.40852

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PM(CO)  
CT/12/07/2022