



W.P.(MD).Nos.2786 and 12215 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.2786 and 12215 of 2017

W.P.(MD).No.2786 of 2017

1. C.Dhanapandi

... Petitioner

Vs.

1. Additional Private Secretary to
Home Minister,
Government of India,
North Block,
New Delhi – 110 001.
2. The Director General,
Central Reserve Police Force,
Chennai.
3. The Deputy Inspector General,
Office of the Deputy Inspector General,
Central Reserve Police Force,
Avadi Range,
Chennai.
4. The Commandant Group Centre,
Central Reserve Police Force,
Pallippuram Kaniyapuram,
Trivandrum,
Kerala State.



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5. The Superintendent,
Ex-Servicemen Welfare Board,
22, Saidan Hamees Road,
Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to quash the impugned order of first Respondent dated 30.03.2009 and direct the Respondents to grant eligible service benefits to the petitioner as if he is in service throughout his tenure, within the period as stipulated by this Court.

For Petitioner : Mr. A.Haja Mohideen

For Respondents : Mr. K.R.Laxman

W.P.(MD).Nos.12215 of 2017

1.C.Dhanapandi (died)

2. D.Annakodi

... Petitioners

(P-2 is substituted vide Court Order dated 02.12.2021 in W.M.P.(MD).No. 17073 of 2021 in W.P.(MD).No.12215 of 2017)

Vs.

The Assistant Commandant,
Office of the Deputy Inspector General of Police,
Group Centre, C.R.P.F.,
Pallipuram, Tiruvandrum,
Kerala – 695 316.

... Respondent



W.P.(MD).Nos.2786 and 12215 of 2017

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the record of the Respondent in No.J.II.4 / 17-P/Cell dated 21.04.2017 and quash the same consequently direct the Respondent to grant pension and pensionary benefits to the Petitioner w.e.f. 02.12.1977 and for other reliefs, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mrs. L.Victoria Gowri,
Assistant Solicitor General of India.

COMMON ORDER

The Writ Petition in W.P.(MD).No.12215 of 2017 is filed challenging the order dated 21.04.2017 and consequently direct the respondent to grant pensionary benefits to the Petitioner w.e.f. 02.12.1977 and for other reliefs.

2. The Writ Petition in W.P.(MD).No.2786 of 2017 is filed by the same petitioner challenging the order dated 30.03.2009 and direct the respondents to grant eligible service benefits to the petitioner, as if he is in service throughout his tenure.



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3. The petitioner's husband joined the CRPF service and has rendered 6 years 5 months 4 days. During the service, the petitioner's husband met with an accident and his right leg was damaged and he was declared as unfit. The respondents have accepted the said fact and also issued a Service Certificate, under Serial No.4 of the Certificate of Service, it has been stated that the petitioner's deceased husband was fit for further employment. The saddest part is the deceased husband has not opted for further employment inspite of these certificates. After lapse of so many years, the petitioner has come forward before this Court for granting some pensionary benefits based on the petitioner's husband service.

4. The learned counsel appearing for the respondents vehemently opposed the petitioner's claim and submitted that the petitioner's husband had not availed opportunity. Moreover, he has completed only 6 years of service and has not completed 10 years of service in order to claim pensionary benefits. Moreover the petitioner's husband is not entitled to any monetary benefits including compensation and the rules of CRPF is not providing for either compassionate appointment or monetary benefits in such circumstances.



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5. After hearing the rival submissions, this Court is of the considered opinion that the writ petitioner's husband had not availed the opportunity of further employment. The petitioner being a widow of the ex-CRPF battalion who is also 66 years of age at the time of filing this Writ Petition and as on today she will be more than 71 years, in such circumstances, this Court is inclined to grant some relief to the petitioner. Hence, the respondents are directed to pay Rs.75,000/- (Rupees Seventy Five Thousand only) as compensation to the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order.

6. It is made clear that this order shall not be cited as precedent and this order is passed based on the facts and circumstances of the present case alone.

7. With the above direction, the Writ Petitions are disposed of. There shall be no order as to costs.

01.12.2022

Index : Yes / No
Internet : Yes/ No
Nsr

5/7



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To

1. The Assistant Commandant,
Office of the Deputy Inspector General of Police,
Group Centre, C.R.P.F.,
Pallipuram, Tiruvandrum,
Kerala – 695 316.
2. Additional Private Secretary to
Home Minister,
Government of India,
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New Delhi – 110 001.
3. The Director General,
Central Reserve Police Force,
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4. The Deputy Inspector General,
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5. The Commandant Group Centre,
Central Reserve Police Force,
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6. The Superintendent,
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S.SRIMATHY, J.

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