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WP.Nos.307 of 2019 and 7148 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2023

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THE HONOURABLE MRS. JUSTICE BHAVANI SUBBAROYAN

WP.Nos.307 of 2019 and 7148 of 2020
and WMP No.8523 of 2020

R.Moorthy

..Petitioner in both Wps

Vs

1. The Senior Divisional Security Commissioner,
Railway Protection Force, MAS Division,
Southern Railway NGO Annexe V Floor,
Park Town,
Chennai – 600003.

2. The Assistant Security Commissioner
Railway Protection Force,
Southern Railway NGO Annexe V Floor,
Park Town,
Chennai – 600 003.

3. P.Ponnusamy Respondents in WP No.307 of 2019

1. The Secretary,
Ministry of Railways,
Railway Board, Rail Bhavan No.256/A,
Raisina Road, Rajpatha Area,
Central Secretariat,
New Delhi No.110 001

2. The Union Public Service Commission,



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Dholpur House, Shahjahan Road,
New Delhi – 110 069

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3. The Director General
Railway Protection Force,
RPF Control Room,
Railways Board,
New Delhi – 110 001.
4. The Inspector General,
Chief Security Commissioner,
Railway Protection Force,
Southern Railways,
6th Floor, Moor Market Complex,
Chennai 600 003.
5. The Senior Divisional Security Commissioner,
Railway Protection Force, MAS Division,
Southern Railway NGO Annexe V Floor,
Park Town,
Chennai – 600003.
6. The Assistant Security Commissioner
Railway Protection Force,
Southern Railway NGO Annexe V Floor,
Park Town,
Chennai – 600 003. ... Respondents in WP No.7148 of 2020

PRAYER in WP No.307 of 2019:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Certiorarified Mandamus calling for the records of the findings rendered by the 3rd respondent in M/XP/227/6/2005 dated 08.03.2017 and quash the same and for a consequential direction to the 2nd respondent to disburse my service benefits.

PRAYER in WP No.7148 of 2020:- Writ petition filed under Article 226 of



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the Constitution of India prays to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in No.2017/Sec(E) DAR-3/36 dated 20.01.2020 and quash the same and for a consequential direction to the 5th respondent to disburse the petitioner's service benefits.

For Petitioner : Mr.G.Perumal Pandian
in both WPs

For Respondent in
WP No.307 of 2019: Mr.M.Vijay Anand
Standing Counsel
R3 in WP No.307 of 2019
- Not ready in notice.

For Respondent in
WP No.7148 of 2020: No appearance for R1
Mr.V.Chandrasekaran
Senior Panel Counsel for R2
Mr.M.Vijay Anand
Standing Counsel
for R3 to R6

COMMON ORDER

These writ petitions have been filed challenging the order of the 1st and 3rd respondent and for a consequential direction to the respondents to disburse the petitioner's service benefits.



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2. The case of the petitioner is that he served as a constable in Railway Protection Force and retired in the year 2013, after put in 30 years of service. At the time of appointment, his father, who was working as a “Rakshak” in the Railway Protection Force had submitted the bogus School record sheet and Certificates belongs to the petitioner before the respondents. In view of the same, the 2nd respondent charge sheeted the petitioner in M/XP/227/6/2005 dated 10.11.2005 alleging that the petitioner had submitted a false/bogus school record sheet with an intention to defraud the Railways and withheld the retirement benefits. Challenging the said order, the petitioner filed WP No.39457 of 2005. Initially, this Court had granted an interim stay and further on 24.01.2013 had dismissed the writ petition and vacated the interim stay granted. Thereafter, an enquiry was conducted and charges were proved, the impugned order came to be passed by the 2nd respondent dated 03.04.2017. Challenging the said order, the petitioner filed WP No.307 of 2019 before this Court. The 1st respondent vide proceeding No.2017/Sec(E) DAT-3/36 dated 20.01.2020 withheld the service benefits of the petitioner. Challenging both the orders, the present writ petitions were filed before this Court.



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3. The learned counsel for the petitioner submitted that the petitioner was not aware of the documents submitted by his father at the time of appointment. The learned counsel further submitted that the petitioner has completed more than 30 years of service and his family members are struggling to meet out their day to day needs.

4. The learned Standing counsel appearing on behalf of respondents/Railway Protection Force submitted that the enquiry officer had investigated the Head mistress, who issued a letter and confirmed that the said record sheet/ certificate submitted by the petitioner is a bogus one and therefore, imposed a penalty of “withholding of hundred percent of the monthly pension and his entire gratuity permanently”. The learned counsel further submitted that the petitioner was provided with an opportunity to defend his case and only after conducting an enquiry and examination of witnesses, his service benefits were withheld by the respondents and therefore, prays this Court to dismiss these writ petitions.



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5. Heard the learned counsel for the petitioner and learned

Standing Counsel appearing for Railways.

6. It is an admitted fact that the petitioner had submitted a bogus record Sheet/ certificate for the purpose of getting an appointment before the Respondents/Railways and further, he has been provided with sufficient opportunities to defend his case. Since the charges against the petitioner has been proved, this Court is not inclined to entertain these writ petitions and hence, these writ petitions stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

15.12.2023

Index :Yes/ No

Internet :Yes /No

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To

1. The Secretary,



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V.BHAVANI SUBBAROYAN.,J



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