



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.16071 of 2009
and M.P.No.2 of 2009

M.Vallavaraj

... Petitioner

Vs

- 1.The District General,
Central Industrial Security Force,
Ministry of Home Affairs,
No.13, C.G.O.Complex,
Lodhi Road, New Delhi.
- 2.The Deputy Inspector General,
Central Industrial Security Force,
Rajaji Bhavan,
Besant Nagar, Chennai – 600 090.
- 3.The Group Commandant,
Central Industrial Security Force,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.
- 4.The Commandant,
Central Industrial Security force,

Page No: 1/7



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Chennai Port Trust,
Chennai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the order No.V-14013/Estt.I/CHPT/CC-MV/2007/2486 dated 12.05.2007 and the order No.E.24016/CISF/CHPT/E-3/07, dated 16.11.2007 issued by the 4th respondent and quash the same in so far as the portion of order relating to the back wages and direct the respondents to pay 50% back wages from 23.07.1992 to 15.05.2007.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.Makesh for RR1 to 4
ACGSC

ORDER

This Writ Petition has been filed challenging the order passed by the 4th respondent.

2. The petitioner has been working with the respondent from the year 1982 and had been continuously working since then. He had involved in a crime and a departmental proceedings was also initiated

Page No: 2/7



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and originally he was dismissed from service. Against which the respondent had preferred various proceedings which finally ended up before the Hon'ble Apex Court in S.L.P.No.13661 of 2005, which came to be disposed of by the Hon'ble Apex Court by its order, dated 23.03.2007.

3. A perusal of the aforesaid order would show that taking the affidavit filed by the respondent, wherein, the respondent considering the case of the petitioner had decided to reduce the punishment imposed upon him on the following terms:-

“Reduction to a lowest stage in the time scale of pay for a period of five years w.e.f.20.02.1993, he will earn increment of pay during the period of above reduction and on expiry of the above period, the reduction will not have the effect of postponing the future increments of his pay. Further, the petitioner will not be entitled to any back wages”

The Hon'ble Apex Court disposed of the Special Leave Petition to enable the respondent to pass appropriate orders.



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4. The respondent in clear terms had averred that the petitioner would not be entitled to any back wages. The said statement made by the respondent was not seriously opposed by the petitioner before the Hon'ble Apex Court and had accepted the punishment that was sought to be inflicted. The Hon'ble Apex Court, taking into consideration, the said averment made in the affidavit had directed the 4th respondent to pass appropriate orders and based upon the said direction, the order impugned in this Writ Petition came to be passed.

5. In such a view of the matter, I find that there is no infirmity in the order passed by the 4th respondent and therefore, the Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

31.10.2023

Page No: 4/7



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Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

To

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Page No: 5/7



WEB COPY



K.KUMARESH BABU,J.

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W.P.No.16071 of 2009
and M.P.No.2 of 2009

Page No: 6/7



WEB COPY



31.10.2023

Page No: 7/7