



W.P.No.39326 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.39326 of 2016

and

W.M.P.No.33654 of 2016

R.Karunakaran

... Petitioner

Vs.

- 1.The Union of India,
Represented by the Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
Central Secretariat,
New Delhi - 110 001.
- 2.The Director General of Police,
Directorate General, CRPF,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
- 3.The Inspector General of Police,
Southern Sector CRPF,
Road No.10 C, Jubilee Hills,
Near MLA/MPs Colony,
Gayathri Hills,
Hyderabad - 500 033.



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4.The Deputy Inspector General of Police,
Range HQr CRPF,
Yelahanka,
Bangalore - 64.

5.The Commandant,
77 Bn, CRPF,
Karaianchavadi,
Poonamalee,
Chennai - 600 056.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 5th respondent herein made in proceedings P.VIII.4/2002-EC-II dated 23.05.2002 imposing punishment of dismissal from service and consequential appeal order dated 20.07.2015 of the fourth respondent in proceedings No.R.XIII.2/2015-EC.3 and revision order dated 08.03.2016 of the third respondent in proceedings No.R.XIII-21/2015-Adm-7 and quash the same and direct the respondents to reinstate the petitioner into service and process his case for medical invalidation with all pensionary benefits by conducting a medical board.

For Petitioner : Ms. R.Meenakshi

For Respondents : Mr. P.R.Ramesh Babu
Senior Standing Counsel



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ORDER

The petitioner has approached this Court seeking issuance of a Writ of Mandamus to call for the records of the fourth respondent in his proceedings dated 23.05.2002 imposing punishment of dismissal from service and consequential appeal order dated 20.07.2015 of the fourth respondent in proceedings No.R.XIII.2/2015-EC.3 and revision order dated 08.03.2016 of the third respondent in proceedings No.R.XIII-21/2015-Adm-7 and quash the same and direct the respondents to reinstate him into service.

2. Though the writ petitioner has raised several grounds challenging the impugned order, the learned counsel for the petitioner states that as per the observations of this Court on an earlier occasion, the petitioner has given a representation to the respondents, more specifically to the fourth respondent, who is the competent authority to pass orders/to decide the issue.

3. The writ petitioner would be satisfied, if his representation is considered objectively and disposed on merits so that the matter would attain finality one way or the other and thereafter, the petitioner would be entitled to take further legal action, if warranted.



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4. The respondents have filed their detailed counter affidavit meeting various grounds raised in the writ petition.

5. However, considering the submission made by the learned counsel for the petitioner and also the fact that the petitioner has given a representation on 03.04.2023, it would be in the interests of justice, to direct the respondents to consider the said representation made by the petitioner dated 03.04.2023 objectively and on its merits, without being influenced by any of the claims, counter claims and the pleadings in this writ petition. If necessary, the fourth respondent may also afford an opportunity of personal hearing to the petitioner.

6. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

08.06.2023

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes / No
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