



WEB COPY



W.P.No.591 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.591 of 2014
and M.P.No.2 of 2014

R.Sankar

.... Petitioner

-Vs-

1.The Union of India
Rep.by its Commandant
93, BN, CRPF, Lucknow
Uttar Pradesh.

2.Additional Deputy Inspector of Police
G.C., CRPF, Avadi.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent vide its order No.P-8-1/10-93-2 dated 09.12.2010, quash the same and consequently direct the respondents to reinstate the petitioner into the services with all service benefits.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.K.Gunasekar
Senior Panel Counsel for Central Government



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ORDER

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When the matter was taken up for final hearing today, Mr.K.Gunasekar, learned Senior Panel Counsel for CRPF would point out that the order of dismissal has been passed by the Commandant of the writ petitioner. This order, as per Rule 28, is appealable to the Deputy Inspector General of CRPF. He would also point out that an appeal should have been filed before 30 days from the order.

2. Taking into consideration that the writ petition is pending for more than nine years, I am not inclined to apply the rules of limitation harshly on the petitioner. I grant the petitioner 30 days time from today to file an appeal to the concerned Deputy Inspector General, CRPF. In case he fails to file an appeal within thirty days from today, the concession granted for filing the appeal will stand deleted.

3. I make it clear that I have not gone into the merits of the case despite the fact that Mr.V.Karthikeyan would invite me to go through the findings of the Division Bench of this Court in a Criminal Appeal, which found that the petitioner had been roped into the offence. It is for the appellate authority to go through the merits of the case and decide. The appellate authority will also look into the fact whether the punishment of dismissal is disproportionate to the charges



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levelled against the petitioner, especially since during relevant time the petitioner was in judicial custody for the charges framed on a complaint filed against him by the Meensurutti Police Station.

4. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.06.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

1.The Union of India
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V. LAKSHMINARAYANAN, J.

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