



W.P.(MD)No.8462 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.8462 of 2021 &
W.M.P.(MD)No.7819 of 2023

Central Paramilitary Force Ex-Servicemen,
Welfare Association (TN), Regn.No.65/2003,
Rep. by its Secretary D.Bernard,
24, Main Road,
Rajiv Gandhi Nagar (Opp. to CRPF Camp),
Avadi, Chennai - 65.

....Petitioner

Vs.

- 1.The Union of India,
Rep. by its Home Secretary,
Ministry of Home Affairs,
North Block, Cabinet Secretariat,
Raisina Hill, New Delhi - 110 011.
- 2.The Chairman,
Welfare and Rehabilitation Board (WARB),
CAPF, Ministry of Home Affairs,
Room No.204/205, II Floor,
'F' Wing, Nirman Bhawan,
New Delhi - 110 011.
- 3.The Chairman,
Central Police Canteen,
Kendriya Police Kalyan Bhandar,
East Block-07 (Level-II),
Sector-01, R.K.Puram,
New Delhi - 110 066.



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4.The Director General,
ITBP, Block No.2, CGO Complex,
Lodhi Road, New Delhi - 110 003.

5.The Commandant,
45Bn, ITBP,
Idayapatti, Madurai.

6.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Excise,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for a writ of mandamus directing the respondents to issue liquor to the Ex-CAPF Personnel considering the petitioner's representation dated 17.10.2020 and the subsequent representation dated 09.02.2021.

For Petitioner : Mr.A.Mohan

For Respondents : Mr.K.R.Laxman for R1 to R5
Mr.K.S.Selvaganesan,
Additional Government Pleader for R6

ORDER

This writ petition was filed for the issue of writ of mandamus directing the respondents to provide liquor to Ex-CAPF Personnel by considering the representation made by the writ petitioner on 17.10.2020.



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2. The grievance of the petitioner Association is that the members of the Association were intimated that liquor can be provided only to the serving / retired Personnel of ITBP and not to the members of the other Ex-CAPF Personnel. According to the Association, there are totally 2700 retired CAPF Personnel who were not in a position to avail the facility that was given to the retired Personnel of ITBP. Representation made in this regard was also not considered and therefore, the present writ petition was filed before this Court.

3. The learned standing counsel appearing on behalf of the respondents 1 to 5 produced the written instructions received from the 5th respondent and for proper appreciation, the relevant portions are extracted hereunder.

"1. Originally, the Liquor was provided only to Ex-ITBP, in the ITBP Canteen, as per the Old Standard Operating Procedure (SOP) for Central Liquor Management System.



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2. Now, as per the recent amendment in the Standard Operating Procedure (SOP) for Central Liquor Management System, dated 17.05.2023, as per Clause 20.6, Liquor is now eligible for all Central Police Forces (Border Security Force, ITBP, CRPF and Sashastra Seema Bal (SSB), who can purchase the liquor as per the their Quota. The relevant portion of the said rule is extracted hereunder:

20.6. Retired personnel from Central Police Forces (Border Security Force, ITBP, CRPF and Sashastra Seema Bal) can purchase (Add to Cart) liquor as per their quota from any liquor canteen of ITBP through CLMS Web Application/Mobile App of their force.

3. Moreover, the Retired Personnel of BSF, CRPF and SSB also can avail the liquor only if they register their name in Central Liquor Management System (CLMS) Software, by which alone, their Data will be available with ITBP.

4. Each department namely BSF, CRPF and SSB are having their own CLMS.



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5. The Retired Personnel of BSF, CRPF and SSB have to approach their department, register their name in their CLMS Online Software, by which only, it will get reflected in ITBP CLMS Software.

6. Now, the Clubbing process of each CLMS of each department is under process and hence, there are difficulty in selling liquor to the Retired Personnel of BSF, CRPF and SSB, till the said clubbing process get concluded.

7. The Union of India, Ministry of Home Affairs has taken steps to eradicate misuse of the Liquor Sales, to unauthorized persons and hence only the CLMS system is implemented.

8. Relevant Form as found in the Rule has to be filled by each Retired Individual Personnels, before availing the Liquor facility, by attaching the following documents:

- a. Two Passport Size Photographs.
- b. Photocopy of PPO - Permanent Person Order.
- c. Photocopy of ID Card (Retired) issued by



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ITBP.

d. Photocopy of Aadhar Card.

9. Further, the Ex-Paramilitary Force Ex-Serviceman Welfare Association (TN), is expected to provide liquor by showing their Association Identity Card, which is not permissible under Law.

10. So, if and only the Retired Personnels of BSF, CRPF and SSB comes with online registration of CLMS of their department, which get clubbed with ITBP, to those alone, liquor will be provided as per the present guidelines."

4. It is clear from the above that as per Rule 20.6, liquor will now be provided to all Central Police Forces who can purchase the liquor as per their quota. However, in order to prevent any misuse of liquor sales, a procedure has been prescribed, wherein, the concerned Personnel will have to fill up the relevant form and attach necessary documents and based on the same, Identity Card will be given to the concerned Personnel who can thereafter procure the liquor.



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5. In the light of the above, the written instructions given by the 5th respondent is recorded. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No

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To

The Secretary,
Department of Excise,
Chennai.



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N.ANAND VENKATESH,J.

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