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W.P.No.28545 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.No.28545 of 2015

and

W.M.P.No.20334 of 2019

A.Jothi Ramalingam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Secretary to Government,
Home Department,
Chennai – 600 009.

2.The Director General of Police,
Mylapore,
Chennai – 600 004.
Tamil Nadu.

3.The Commissioner of Police,
Chennai Police,
Chennai.

4.The Director General,
Central Reserve Police Force,
Block No.1, CGP Complex,
Lodhi Road,
New Delhi – 110 003.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the record pertaining to order dated 14.05.2011 bearing RC No.66933/NGB III (2)/2011 passed by the 2nd respondent and order passed by the 3rd respondent bearing Ref.No.RC No.Estt.V (1)/349/50319/2010 dated 27.05.2011 and quash and consequently direct the 1st to 3rd respondents to include the petitioners service rendered in 4th respondent organisation between 31.07.1993 to 10.11.1995 while counting the service in Tamil Nadu Police for the purpose of pension and other service benefits.

(Prayer amended as per Court order dated 06.08.2019 in WMP.No.20331 of 2019 in WP.No.28545 of 2015 by SVNJ).

For Petitioner : Mr.M.Arun

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader
for R1 and R3

Mr.S.Diwakar
Senior Panel Counsel
for R4

ORDER

The petitioner is before this Court seeking a writ of certiorarified mandamus to call for the record pertaining to order dated 14.05.2011 bearing RC No.66933/NGB III (2)/2011 passed by the 2nd respondent and order



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passed by the 3rd respondent bearing Ref.No.RC No.Estt.V

(1)/349/50319/2010 dated 27.05.2011 and quash and consequently direct the 1st to 3rd respondents to include the petitioners service rendered in 4th respondent organisation between 31.07.1993 to 10.11.1995 while counting the service in Tamil Nadu Police for the purpose of pension and other service benefits.

2. The facts essential for disposing of the above writ petition is as follows:-

The petitioner intending to join Tamil Nadu Police Force had appeared for the Police Constable selection by the second respondent in the year 1992-1993. When results were awaited, the petitioner had been selected as Constable/GD with the fourth respondent organization on 31.07.1993. Therefore, the petitioner had enlisted himself as Constable/GD with the fourth respondent and was posted to A-134 Bn, Group Centre, CRPF, Karpur, Gurgaon, Haryana State.

3. The petitioner had worked in this post from 31.07.1993 to 10.11.1995. Meanwhile, he came to be selected as Grade II Police Constable



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in the Tamil Nadu Police and therefore the petitioner opted to work in Tamilnadu, his native state. Therefore, he had resigned from the fourth respondent organization from where he was duly discharged on 10.11.2015. Availing four days travel time from Sri Nagar to Chennai, the petitioner had joined the services of the Tamil Nadu Police on 14.11.1995. He was posted for police training at VII Battalion, Palani, Tamil Nadu and on successful completion of the same he was posted as Grade II Police Constable in V Battalion, TSP, Avadi, Tamil Nadu. The petitioner was subsequently promoted as Head Constable and posted at Armed Police Chennai.

4. The learned counsel for the petitioner would submitted that several Government Orders have permitted, persons absorbed from the Central Arm Forces like CRPF to count their service in the Central Force as continuation of service in Tamil Nadu. Candidates who had obtained a valid discharge from Central Force and later joined the Tamil Nadu services were also to be considered. However, with a rider that they would be treated as a fresh entrants and had to be re-enlisted after obtaining the orders of the Government for relaxation of rules in their favour.



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5. In the light of the above, the petitioner had given a representation to the third respondent requesting him to count his present services as a continuation of his earlier services with CRPF, since there was no response, a reminder dated 29.12.2010 was also sent by the petitioner. The third respondent had acknowledged the representation and forwarded the same to the second respondent. The second respondent by a Memorandum dated 14.05.2011, rejected the petitioner's claim stating that there is no provision to count the past service rendered in the Central Government Department. However, he had not referred to the Government Orders which had been cited on the side of the petitioner. The respondents had called upon the petitioner to produce his service book in the fourth respondent organization which was also given by him on 25.05.2010. The petitioner had earlier filed a writ petition in W.P.No.26346 of 2011, in which, the consequential relief was one for counting the service rendered by him with the fourth respondent organization to his present service with the first respondent. However, the writ petition was withdrawn, on advise and the petitioner has come forward with the present writ petition.



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6. The learned counsel for the petitioner would further submit that in a similar case of one Mr.K.Krishnapandi, the Government had considered his request and directed his past service rendered in the Central Reserve Police Force to be taken into consideration. Therefore, the petitioner would seek parity.

7. The learned Additional Government Pleader for the first to third respondents would submit that in the case of one Mr.K.Krishnapandi, he had obtained prior permission from the Central Reserve Police Force to appear for the competitive selection test for the post of Police Constable in Tamil Nadu Police, whereas, in the case of the petitioner, there is no such permission.

8. The above arguments of the learned Additional Government Pleader for the first to third respondents cannot be countenanced for the simple reason that a perusal of the service book of the petitioner would clearly shown that he has been discharged from service. Further, pursuant to the direction of this Court, the Asstt.Comdt.(Law), GC, CRPF, Avadi had issued a clarification, with regard to query/details sought vide your email under reference that, as per available records, No.931221105 EX-CT/GD



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A.Jothi Ramalingam of 134 Bn enlisted in CRPF on 31.07.1993 and as per the entry available in the discharge register of concerned Battalion, was “Discharged from service on 10/11/1995(FN) from 134 Bn, CRPF”. Further, no relevant document/authority pertaining to discharge of above petitioner is available at 134 Bn, CRPF, as all files/records have already been weeded out upto 2017 as per existing instructions. Therefore, it is clear that the petitioner has also left the services of the fourth respondent only after obtaining due permission from them and he had been discharged him from service.

9. Considering the above, the concession that has been given to Mr.K.Krishnapandi has to necessarily be extended to the case of the petitioner.

10. Therefore, this writ petition is allowed and the first to third respondents shall consider the services rendered by the petitioner with the fourth respondent from 31.07.1993 to 10.11.1995 to be counted for the purpose of service in the Tamil Nadu Police by granting orders of re-enlisting and post ratification by the first respondent, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently,



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connected writ miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

Speaking Order / Non-Speaking Order

Neutral Citation : Yes / No

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Chennai – 600 009.
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