



WEB COPY



W.P.No. 6103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6103 of 2024

D. Latha

....

Petitioner

Vs

1.The Director General of Police,
Directorate General CRPF
CGO Complex, Lodhi Road, New Delhi – 110 003.

2.The Inspector General of Police (Training),
Training Directorate CRPF,
Sector – I, R.K.Puram,
New Delhi.

3.The Inspector General of Police,
Souther Sector, CRPF, Road No.10C,
Jubilee Mills, Near MLA/MPS Colony,
Gayathri Hills, Hyderabad – 500 033.

4.The Deputy Inspector General of Police,
Central Training College,
CRPF, Coimbatore District – 17.
Tamil Nadu State.

5.The Inspector General of Police/Principal,
Central TRG College,
CRPF, Coimbatore – 641 017.



W.P.No. 6103 of 2024

6.The Commandant,
O/o. IGP, Principal Central Training College,
CRPF, Coimbatore – 17.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction and pay the entire retirement benefits payable to the petitioner including monthly pension with arrears and statutory interest by considering her representation dated 31.03.2022.

For Petitioner : Mr.M.Elango

For Respondents : Mr.K.Srinivasamurthy
Standing Counsel

ORDER

This Writ Petition has been filed for a direction directing the respondents to sanction and pay the entire retirement benefits payable to the petitioner including monthly pension with arrears and statutory interest.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was enlisted in CRPF Central Training College and appointed as Constable on 28.03.1995. During the year 2009, she had



W.P.No. 6103 of 2024

sustained an injury on her right ankle while she was on duty. Thereafter, she had also undergone surgery, due to medical condition, the Doctor advised that she would not be in a position to continue her duty in CPRF Department. Therefore, the petitioner applied for retirement on Voluntary Retirement Scheme. However, the said request was not considered and as such, the petitioner also filed a writ petition before this Court in W.P.No.39513 of 2016.

4. Pending writ petition, the fifth respondent, by the proceeding dated 02.11.2017, dismissed the petitioner from service on the strength of the charge memo under Section 11(1) of CPRF Act 1949, dated 21.11.2016 alleging that the petitioner was unauthorisedly absent for 138 days. According to the petitioner, no notice was served on the petitioner and no enquiry was conducted on the charge memo before passing the order of dismissal from her service. Therefore, the petitioner challenged the order of dismissal in W.P.No.4550 of 2018 before this Court. Simultaneously, the petitioner also filed an appeal as against the order of dismissal. The appeal was also dismissed and as such, this Court dismissed the writ petition and



W.P.No. 6103 of 2024

the order of dismissal passed by the fourth respondent was confirmed.

Aggrieved by the same, the petitioner preferred writ appeal before the Hon'ble Division Bench of this Court in W.A.No.244 of 2020.

5. In the meanwhile, the petitioner also challenged the order passed by the Appellate Authority, viz., the fourth respondent, in W.P.No.14251 of 2020 before this Court. This Court, while disposing the writ petition, modified the order of dismissal from service in to compulsory retirement enabling the petitioner to receive all terminal benefits. On the ground that the punishment of dismissal from service is disproportionate. Thereafter, the petitioner submitted a representation seeking sanction of her retirement benefits and also pensionary benefits. On receipt of the said request, the sixth respondent, by the communication dated 01.04.2022, asking the petitioner to submit some documents in order to sanction pensionary benefits. Further, the fifth respondent has stated that in the service register her husband name, viz., M.Beemarajan, has been mentioned as nominee, but no document to that effect had been submitted by the petitioner along with the application. In fact, in the application submitted by



W.P.No. 6103 of 2024

the petitioner sought for pension, she had mentioned her son as nominee in the Form-A, since she is not having good relationship with her husband and living separately and she also filed an affidavit to that effect.

6. Considering the facts and circumstances of the case, the respondents are directed to sanction and pay the terminal benefits to the petitioner including monthly pension and arrears with applicable interest, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of.

No costs.

08.03.2024

Index:Yes/No
Speaking Order: Yes
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W.P.No. 6103 of 2024

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Lpp

W.P.No.6103 of 2024

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