



WEB COPY

W.P.No.16205 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.16205 of 2021

R.Karthikeyan

... Petitioner

Vs.

1.The Deputy Inspector General,
Central Industrial Security Force,
CISF South Zone – 1, Head Quarters,
Besant Nagar, Chennai 900 090.

2.The Group Commandant,
Central Industrial Security Force,
CISF Group Head Quarters,
Cochin 682 037.

3.The Deputy Commandant,
Central Industrial Security Force,
MRPL (M), Mangalore 575 030.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the second respondent in his Order No.E-36017/CISF/ GPHQRS/ADM-r/RK-MRPL(M)/2020-8027 dated 22.09.2020 and subsequent order passed by the third respondent in his Order No.V-15014/CISF/MRPL/DOC/APAR/2021-3519 dated 03.06.2021, quash the same and to direct the respondents 2 to 3 to upgrade the APAR grading of the



petitioner against the year 2019 as numerical grading 7 (Very Good) from 5.13 (Good) and to provide all consequential service cum monetary benefits.

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For Petitioner : Mr.R.Thiyagarajan
For Respondents : Mr.R.Rajesh Vivekananthan,
Deputy Solicitor General

ORDER

This Writ Petition has been filed for quashment of the impugned orders passed by the second respondent in his Order No.E-36017/CISF/GPHQRS/ADM-r/RK-MRPL(M)/2020-8027 dated 22.09.2020 and subsequent order passed by the third respondent in his Order No.V-15014/CISF/MRPL/DOC/APAR/2021-3519 dated 03.06.2021 and to direct the respondents 2 to 3 to upgrade the APAR grading of the petitioner against the year 2019 as numerical grading 7 (Very Good) from 5.13 (Good) and to provide all consequential service cum monetary benefits.

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

3.The case of the petitioner herein is similar to that of the dispute



which arose in a Writ Petition in W.P.No.39534 of 2016 (*H.K.Mahapatra Vs. The Union of India*). In the said Writ Petition, this Court has passed the following order:

“5. It appears that the individual thereafter, appealed against the above said order of grading and the Commandant had assessed his grading as 'Good'. This reversal of the grading from 'Average' to 'Good' has not been taken note by the 5th respondent in his impugned order. If the aggregate marks had been given to the petitioner on the basis of grading 'Good', there is every possibility of him having secured the bench mark viz., 50 marks.

6. Therefore, this Writ Petition is disposed of with a direction tot he 5th respondent to once again re-consider the case of the petitioner in the light of the above observation of this Court and re-assess his marks and pass orders within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected W.M.P stands closed. No costs.”

4.The subject matter in issue in this petition is also similar to that of the earlier Writ Petition filed in W.P.No.39534 of 2016, in which the aforesaid order has been passed. Since the petitioner is also similarly placed as that of the petitioner in W.P.No.39534 of 2016, his case would also have the similar



line of appreciation involved in the above Writ Petition. Hence, he is also entitled to the same relief as already granted to the other similarly placed person in the earlier judicial order.

5. In the light of the order passed by this Court in the Writ Petitions as stated supra, this Writ Petition is disposed of with a direction to the respondents to once again re-consider the grievance of the petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

28.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

To

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