



WEB COPY

W.P.No.21944 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.21944 of 2022 and
W.M.P.No.20967 of 2022

G.Balapriya

... Petitioner

Vs.

- 1.The Union of India
Rep by its Secretary to the Government,
Ministry of Home Affairs,
New Delhi 110 001.
- 2.The Director General,
Central Industrial Security Force,
Head Quarters, No.13,
CGO Complex, Lodhi Road,
New Delhi 110 003.
- 3.The Inspector General,
Central Industrial Security Force,
South Sector, Head Quarters,
New War Memorial,
Chennai 600 009.
- 4.The Deputy Inspector General/ Training,
Central Industrial Security Force,
Head Quarters, No.13,
CGO Complex, Lodhi Road,
New Delhi 110 003.



5. The Deputy Inspector General,
Central Industrial Security Force,
Regional Training Centre,
Suraksha Campus, Arakkonam,
Ranipet District 631 152.

6. The Assistant Inspector General/ Recruitment,
Central Industrial Security Force,
Head Quarters, No.13,
CGO Complex, Lodhi Road,
New Delhi 110 003.

7. The Commandant,
Central Industrial Security Force,
Regional Training Centre,
Suraksha Complex,
Arakkonam, Ranipet District 631 152.

8. The Commandant,
Central Industrial Security Force Unit,
Chennai Port Trust (ChPT),
Chennai 600 001.

9. The Deputy Commandant,
Central Industrial Security Force,
Regional Training Centre,
Suraksha Complex,
Arakkonam, Ranipet District 631 152.

... 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 order passed by the 7th respondent in his order No.E-37035/RTC(A)/CISF/45th((B)(2ndB)L/CT/GD/Trg/2021-4964 dated 17.11.2021 and quash the same and to direct the respondents to take the petitioner into the strength of CISF as Constable /GD and permit the



petitioner to undergo the Basic Training with all consequential service cum monetary benefits.

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For Petitioner : Mr.R.Thiyagarajan

For Respondents : Mr.C.Samivel, SPCGSC

ORDER

This Writ Petition has been filed for quashment of the order passed by the 7th respondent in his order No.E-37035/RTC(A)/CISF/45th((B)(2nd B)L/CT/GD/Trg/2021-4964 dated 17.11.2021 and to direct the respondents to take the petitioner into the strength of CISF as Constable /GD and permit the petitioner to undergo the Basic Training with 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.4789 of 2019 (*Dhobley Vikram Arvind Ex.ASI/Exe(UT) Vs. Union of India*). In the said Writ Petition, this Court has passed the following order:



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“17. The carrier of the petitioner cannot be ruined like this by passing the impugned orders and not allowing him to continue the job even though he was permitted to join the duty and work for two months.

18. In this context, this Court feels that the petitioner can be permitted to rejoin the duty without claiming any seniority and other service benefits, but only as a fresh candidate based on the earlier selection and offer of appointment.

19. In that view of the matter, this Court feels that this writ petition can be disposed of with the following orders:

(i) That the impugned orders are liable to be modified to the extent that the petitioner shall be permitted to rejoin the duty in the post of Assistant Sub-Inspector at the respondent at Arakkonam or any other battalion under the respondent CISF, depending upon the vacancy of CISF that can be found out and decided by the respondents, as a fresh candidate within a period of 30 days from the date of receipt of a copy of this order.

(ii) On such reporting duty of the petitioner, the respondents/concerned authority of the respondents' office shall take him back as a fresh candidate as Assistant Sub-Inspector and permit him to join duty and continue the duty.

(iii) It is made clear that because of this order, where the petitioner has been permitted to rejoin the duty, he shall not claim any seniority, pay benefits, perquisites and other attendant benefits as if that he had joined in the duty some time in 2018,



but he shall, for all purposes of service benefits, be treated as a fresh candidate, joining duty only pursuant to the orders of this Court as indicated above.

(iv) In this regard, at the time of joining duty, it is open to the respondent to get the written undertaking of the petitioner as indicated above and that shall be treated as foregoing of all his past seniority based on the earlier joining of duty on 06.07.2018.

(v) With these directions and observations, this writ petition is ordered accordingly. No costs. Connected miscellaneous petitions are closed.”

4. The subject matter in issue is also similar to that of the earlier Writ Petition filed in W.P.No.4789 of 2019, in which the aforesaid order has been passed. Since the petitioner is also similarly placed as that of the petitioner in W.P.No.4789 of 2019, 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 Petition as stated supra, this Writ Petition is disposed of with the following orders:

(i) The impugned order is liable to be modified to the extent that the



petitioner shall be permitted to rejoin the duty in the post of Constable/GD at the respondent at Arakkonam or any other battalion under the respondent CISF, depending upon the vacancy of CISF that can be found out and decided by the respondents, as a fresh candidate within a period of 60 days from the date of receipt of a copy of this order.

(ii) On such reporting duty of the petitioner, the respondents/concerned authority of the respondents' office shall take her back as a fresh candidate as Constable/GD and permit her to join duty and continue the duty.

(iii) It is made clear that because of this order, where the petitioner has been permitted to rejoin the duty, she shall not claim any seniority, pay benefits, perquisites and other attendant benefits as if that she had joined in the duty some time in 2021, but she shall, for all purposes of service benefits, be treated as a fresh candidate, joining duty only pursuant to the orders of this Court as indicated above.

(iv) In this regard, at the time of joining duty, it is open to the respondent to get the written undertaking of the petitioner as indicated above and that shall be treated as foregoing of all her past seniority based on the earlier joining of duty on 21.06.2021.

No costs. Consequently, connected Miscellaneous Petition is also closed.



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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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VIVEK KUMAR SINGH, J.

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