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W.P.No.36054 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.36054 of 2023

Ramkesh Choudary

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Petitioner

Vs

1. The Senior Commandant,
Central Industrial Security Force Unit,
Chennai Port Authority (ChPA),
Chennai – 600 001.

2. The Deputy Commandant,
Central Industrial Security Force,
UIDAI Aadhar Data Centre,
Bengaluru,
Karnataka – 560 092.

3. The Assistant Commandant,
Central Industrial Security Force Unit,
Chennai Port Authority (ChPA),
Chennai – 600 001.

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Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the 3rd respondent on behalf of the 1st respondent dated 23.02.2021 in his order No.



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E-31014/CISF/CHPT/DOCS-II/2021 – 708 and subsequent order dated 01.12.2021 in his order No.E-31014/CISF/CHPT/DOCS-I/2021 – 6600 and quash the same and direct the 1 to 3 respondents to revise the petitioner MACP benefits and promotion to the post of Head Constable/GD and to the post of Head Constable/GD and to pay all service cum monetary benefits to the petitioner.

For Petitioner : Mr.Thiyagarajan

For Respondents : Mr.K.Subbu Ranga Bharathi
Central Government Counsel

ORDER

This Writ Petition has been filed challenging the order of the 3rd respondent dated 23.02.2021 and subsequent order dated 01.12.2021, thereby rejected the claim of the petitioner to grant first and second MACP benefits.

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

3. The petitioner had joined in the Central Industrial Security Force Constable on 04.07.1994. He had served in the first respondent for the period from 01.05.2017 to 31.05.2023. Now he is



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serving under the third respondent from 01.06.2023. He had successfully completed the promotion cadre course for the post of Constable to the post of Head Constable. He has been facing the first and second MACP anomalies at par with his batch mates. Therefore, he submitted a representation to revise the first and second MACP benefits on par with batchmates. However, it was rejected on the ground that (i) aggregated marks is less than bench mark (ii) not obtained minimum three Good ACR in last five years service, and (ii) currency of punishment.

4. A perusal of the records reveals that the petitioner has so far received following penalty throughout his service :

01	OSL for 25 days from 09.02.2000 to 05.03.2000	2 days pay fine vide FO No.3314 dt. 04.04.2000
02	Duty absent on 05.08.2003	Censure vide FO No.1754 dt. 20.09.2003
03	Refused to Go IS duty	With holding of one increment for one year without cumulative effect vide FO No.2174 dt. 29.03.2006.
04	Duty absent	Censure vide FO No.528 dt. 21.07.2005
05	Duty absent	1 day pay fine vide FO No.968 dt. 31.12.2006
06	Without wearing helmet while riding motor cycle	Cesure vide FO No.970 dt. 31.12.2006.



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07	He was taken sick rest while detailing on temporary duty	3 days pay fine vide FO No.294 dt. 06.06.2007
08	Staying bachelor in Govt Qtrs	Censure vide FO No.1314 dt. 13.04.2013
09	Sleeping on duty	Five days pay fine vide FO No.3146 dt.31.08.2013
10	He was disobey the order of AC (Vacate Govt Accommodation within 3 days or for stay with family)	Censure vide FO No.4233 dt.04.11.2013
11	He felt while riding motor cycle due to influence of alcohol	Seven days pay fine vide FO No.3784 dt.28.08.2014
12	Misbehaviour in intoxicated condition	With holding of one increment for one year without cumulative effect vide FO No.2132 dt. 05.05.2016

5. Therefore, the petitioner is not entitled to revise his first and second MACP benefits. This Court finds no infirmity or illegality in the order passed by the third respondent and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs.

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Internet : Yes
Index : Yes/No
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