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W.P.No.38055 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.38055 of 2024

and W.M.P.Nos.41154 and 41156 of 2024

Uma Shankar,
CISF Constable/GD No.120719422
CISF Unit, RTC Arakonam,
Ranipet - 631152,
Tamil Nadu.

...Petitioner

Vs

1.The Deputy Inspector General,
CISF-Unit, RTC Arakonam,
Ranipet- 631152,
Tamil nadu.

2.The Commandant,
CISF RTC, Arakonam,
Ranipet-631152,
Tamil nadu.

3.The Deputy Commandant/TRG,
Disciplinary Authority
Cholas COY,
CISF RTC, Arakonam,
Ranipet-631152,
Tamil Nadu.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the respondent culminating in the Final order ref.No.V-15014/CISF/RTC (A)/US/DISC/MIN-13/2024/8044, dated 04.12.2024, passed by the 3rd respondent herein, under Rule 36 of the CISF Rules, 2011 and quash the same.

For Petitioner : Mr.B.Hari Krishnan

For Respondents : Mr.C.Kulanthaivel
Senior Panel Counsel

ORDER

This writ petition has been filed challenging the Final order ref.No.V-15014/CISF/RTC (A)/US/DISC/MIN-13/2024/8044, dated 04.12.2024, passed by the 3rd respondent herein, under Rule 36 of the CISF Rules, 2011 for having submitted a complaint dated 02.09.2024.

2. Learned counsel for the petitioner would submit that the petitioner was enrolled with CISF as GD/Constable in 2012. At present, he is deployed with CISF Unit, RTC. While so, the 3rd respondent imposed the penalty of 'Censure' for having submitted a complaint dated 02.09.2024 against Ins.Joseph Dennis Thomas alleging false and baseless allegations. The Article of Charge as spelt out in the Charge Memorandum dated 01.11.2024 is as under:



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"Gross indiscipline, misconduct and in-subordination in that No.120719422 Constable/GD Uma Shankar of Cholas COY of CISF RTC, Arakonam has submitted a complaint dated 02.09.2024 framing false and baseless allegations against No.962260010 Insp/Exe Joseph Dennis Thomas in that he alleged that Ins/Exe J D Thomas has insulted him and told "Get out" and pushed him from Govt. Office. Hence, the charge".

3.Learned counsel further submitted that the petitioner sent a letter dated 09.11.2024 calling upon the 3rd respondent to furnish copy of the documents, on the basis of which the charge memorandum dated 01.11.2024 was issued. The 3rd respondent declined to furnish the documents sought for on the alleged ground that there is no provision under the CISF Rules to furnish copy of the documents. Challenging the said charge memorandum dated 01.11.2024, the petitioner has filed a writ petition in W.P.No.37537 of 2024. When the said petition came up for admission, on 09.12.2024, a copy of the order purporting to be a final order dated 04.12.2024 passed by the 3rd respondent was served on petitioner's counsel. The final order purports to impose the penalty of



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'Censure'. However, in the copy of the final order, the penalty is wrongly typed as 'censure'. That apart, the 3rd respondent, while signing the final order has written the date as 04.12.2021. Therefore, at the request of petitioner's counsel, this Court adjourned the matter to 11.12.2024 to amend the relief as sought for in the writ petition. He further submitted that the petitioner was in his native place and the final order dated 04.12.2024 has been passed during his absence and the same has not been served to the petitioner. Challenging the said order dated 04.12.2024 passed by the 3rd respondent, this writ petition has been filed.

4. Learned Senior Panel Counsel appearing for the respondents would submit that there is an appeal remedy available to the petitioner as against the impugned order passed by the 3rd respondent.

5. Considering the submission of the learned Senior Panel Counsel that the appeal remedy is available to the petitioner as against the impugned order dated 04.12.2024, the petitioner is directed to file an appeal before the appellate authority within a period of 10 days from the date of receipt of a copy of this order. If the appeal is filed within the time stipulated above, the Appellate Authority is directed to accept the



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appeal and decide the same on merits in accordance with law, within a period of four(4) weeks thereafter.

6.With the above directions, this writ petition is disposed of .

No costs. Consequently, connected miscellaneous petitions are closed.

11.12.2024

Index:Yes/No

Speaking order/Non-speaking order

msv

To

1.The Deputy Inspector General,

CISF-Unit, RTC Arakonam,

Ranipet- 631152,

Tamil nadu.

2.The Commandant,

CISF RTC, Arakonam,

Ranipet-631152,

Tamil nadu.

3.The Deputy Commandant/TRG,

Disciplinary Authority

Cholas COY,

CISF RTC, Arakonam,

Ranipet-631152,Tamil Nadu.



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V.BHAVANI SUBBAROYAN,J.

msv

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