



WP(MD) No.8340 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.8340 of 2024

and

WMP(MD)No.7554 of 2024

I.Paulraj

.. Petitioner

Vs.

1. The Principal of Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Moore Market Complex,
Chennai - 3.

2. The Chief Security Commissioner/DIG,
Railway Protection Force,
Southern Railway,
Moore Market Complex,
Chennai - 3.

3. The Senior Divisional Security Commissioner,
Railway Protection Force,
Trichy - 1.

4. The Disciplinary Authority,
Assistant Security Commissioner,
Railway Protection Force,
Trichy - 1.

5. A.Kalaiarasan,

6. M.Thiruselvam,



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7. Kiren,
The Enquiry Officer,
Inspector,
Railway Protection Force,
Golden Rock Workshop,
Ponmalai, Trichy - 4.

8. V.Selvaraj,
344 B, Muthaliyar Street,
Poovanur (Post),
Needamangalam (Taluk),
Thiruvarur District - 614 404.

9. S.Ramakrishnan,
Senior Divisional Security Commissioner,
Railway Protection Force,
Trichy - 1.

10. R.Chinnadurai,
Assistant Security Commissioner,
Railway Protection Force,
Arakkonam,
Ranipet District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings in No.SXT/P. 227/R.153/I.P/03/2014, dated 13.07.2023 and quash the same as arbitrary, illegal and against the principles of natural justice and Provisions of Railway Servants (Discipline and Appeal) Rules, 1968 and Railway Protection Force Rules, 1987 and consequently direct the respondent Nos.2 to 4 to reinstate the petitioner in service with all attendant benefits, back wages and all other monetary benefits.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India for R1 to R4



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ORDER

The writ petition has been filed for issuance of Writ of Certiorarified Mandamus, to quash the impugned proceedings of the third respondent dated 13.07.2023 and consequently direct the respondent Nos.2 to 4 to reinstate the petitioner in service with all attendant benefits, back wages and all other monetary benefits.

2. Heard Mr.S.Krishnan, learned counsel appearing for the petitioner and Mr..K.Govindarajan, learned Deputy Solicitor General of India appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4. The petitioner, who was removed from service on the disciplinary action initiated against him, has preferred an appeal to the (*)**second** respondent and the same is pending.

5. Mr S.Krishnan, learned counsel appearing for the petitioner submitted that



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even the disciplinary proceedings have been conducted without giving fair opportunity to the petitioner and the whole of the proceedings is vitiated due to non-compliance of the principles of natural justice. However, the petitioner has subjected himself to the disciplinary proceedings and he has also preferred an appeal before the (*)**second** respondent and the same is said to be still pending. When the parallel proceedings are pending, the petitioner ought not to have filed a writ petition when he has sought an alternative remedy of preferring an appeal before the (*)**second** respondent. However, it appears that the petitioner is affected due to the delay caused in getting the disposal of the appeal.

6. Taking into consideration the above case, it is appropriate to dispose this writ petition by issuing a direction to the (*)**second** respondent to dispose of the petitioner's appeal and accordingly, the (*)**second** respondent is directed to dispose the appeal of the petitioner after considering the grounds of appeal and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. Since the petitioner is said to have raised additional grounds in this writ petition, he is at liberty to raise those grounds as well by way of filing additional grounds before the (*)**second** respondent.

7. With the above direction, this writ petition is **disposed of**. No Costs.



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Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

**(*)Corrected as per the order of this court dated
10.07.2024 made in WP(MD).No.8340 of 2024.**

Sd/-

Assistant Registrar

// True Copy //

/07/2024

Sub Assistant Registrar()

PJL

To

To be substituted to the order which is already despatched on 24.06.2024

1. The Principal of Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Moore Market Complex, Chennai - 3.

2. The Chief Security Commissioner/DIG,
Railway Protection Force,
Southern Railway,
Moore Market Complex, Chennai - 3.

3. The Senior Divisional Security Commissioner,
Railway Protection Force,
Trichy - 1.

4. The Disciplinary Authority,

<https://www.mhc.tn.gov.in/judis>



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Assistant Security Commissioner,
Railway Protection Force, Trichy - 1.

W.P.(MD)No.8340 of 2024
and
WMP(MD)No.7554 of 2024
02.04.2024

MGJ(28.05.2024) 6P 5C

MK(19.07.2024) 6P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023