



W.A.(MD) No.1121 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Judgment	Date of Pronouncing the Judgment
14.03.2024	28.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD) No.1121 of 2020

V.Rajendran

... Appellant

-VS-

- 1.The Union of India
rep.by its Secretary to Government
Ministry of Home Affairs
New Delhi
- 2.The Director General
Central Reserve Police Force
C.G.O.Complex
Lodhi Road, New Delhi
- 3.The Deputy Inspector General of Police
Central Reserve Police Force
Avadi, Chennai-600 065



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W.A.(MD) No.1121 of 2020

4.The Commandant
42 Bn, CRPF, Old KV Building
Barkas, Hyderabad-05

5.The Adjutant
42 Bn, CRPF, Old KV Building
Barkas, Hyderabad-05

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 07.10.2020, passed in W.P.(MD) No.7897 of 2012, on the file of this Court.

For Appellant : Mr.J.Lakshmi Narayanan

For Respondents : Mr.D.Saravanan for R1

J U D G M E N T

D.KRISHNAKUMAR, J.

This writ appeal is directed against the order of the learned Single Judge, dated 07.10.2020, passed in W.P.(MD) No.7897 of 2012.

2. According to the appellant, he joined as Constable in the Central Reserve Police Force on 31.10.1987 at Avadi, under the second respondent. Thereafter, after completion of a training for nine months, he was



W.A.(MD) No.1121 of 2020

WEB COPY

posted to 28 Bn, and deployed at Punjab, Nagaland, Chennai, Srinagar and Assam. He rendered 23 years of unblemished service. While so, on 11.12.2009, he received a telephone call alleging involvement in a criminal case by his brother-in-law Selvamani by using his name for the some unlawful gains. In such circumstances, to sort out the said problem, he wanted to go to his native village and therefore, he submitted an application for leave before the third respondent. However, leave was not sanctioned. Therefore, on 14.12.2009, he sent a letter for leave to the third respondent and left the Battalion. Thereafter, due to depression, he did not report to the native village and he was brought to Erwadi for treatment. Subsequently, his wife brought him to native village and he was given treatment in Government Hospital, Asaripallam, Kanyakumari District.

3. Further, according to the appellant, in the meantime, the third respondent sent a letter dated 16.12.2009 to the appellant's wife informing that the appellant is absent from 15.12.2009, FIR has been registered against him and to advise him to report for duty immediately. Thereafter, on 03.02.2010, his wife requested the third respondent for two months leave for taking treatment. But, the third respondent by letter dated 16.02.2010



W.A.(MD) No.1121 of 2020

WEB COPY

informed her that the leave application will be considered only on the appellant rejoining the duty, failing which disciplinary action will be initiated. Though on 28.05.2009 itself the appellant submitted an application for voluntary retirement, the said application was not considered by the third respondent. Subsequently, a charge memo was issued to the appellant for the unauthorized absent for 566 days. Thereafter, an enquiry was conducted and a final order dismissing the appellant from service was passed. The appeal filed by the appellant challenging the order of dismissal from service was also dismissed. Challenging the same, the appellant filed the present writ petition and the same was dismissed by the impugned order.

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

5. It is the contention of the appellant that, he has not committed any act of misconduct affecting the decorum of the Uniformed Forces and therefore, the punishment of dismissal from service is harsh and disproportionate. Further, the copies of the documents and the reports of the Enquiry Officers were in Hindi language and he had no knowledge of reading



W.A.(MD) No.1121 of 2020

WEB COPY

and writing in Hindi language. Therefore, the appellant sent a representation dated 15.07.2011 and sought the authorities to furnish the copies of the documents in English translation, however, there was no response for the said request made by the appellant and the enquiry was conducted in an known language. In this regard, the learned Single Judge found that there is no proof for the acknowledgement of the said letter and therefore, the genuinity of the said letter cannot be trusted upon. Further, the learned Single Judge has found from the findings of the Appellate Authority that all the documents were handed over to the appellant and he has not raised any objection for conducting the enquiry in Hindi. He served for 23 years in service and he has adequate knowledge in Hindi. The statements in the documents were read over to to the appellant during the course of enquiry and he himself admitted the correctness of the statements in the documents. Even during the course of enquiry, he pleaded guilty by appearing before the Enquiry Officer on 21.07.2011.

6. The appellant further contended that though he submitted an application for voluntary retirement on 28.05.2009, the same was not considered by the first respondent. Further, the appellant has rendered 23



W.A.(MD) No.1121 of 2020

WEB COPY

years of unblemished service and therefore, the major punishment of dismissal from service cannot be imposed for the unauthorized absent.

7. We are of the view that the Central Reserve Police Force, where the appellant was working, is a Uniform Disciplined Force. There cannot be any compromise in the matter of discipline is concerned. It is an admitted fact that the appellant remained absent unauthorizedly for 566 days. If any leniency is shown to the appellant, then it will be a wrong precedent to the Society and it would be more difficult for the competent authority to maintain morale and discipline in the uniformed services. Though the appellant has not committed any other misconduct other than the unauthorized absent, abandoning the duty is a serious misconduct as per the Disciplinary Rules in Uniformed Services. Since the appellant was working in the CRPF for the country, he should take the responsibility. Therefore, we find no satisfactory material for accepting the contentions of the appellant. Hence, we are of the view that the learned Single Judge has rightly come to the conclusion and dismissed the writ petition, which does not warrant interference of this Court.



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W.A.(MD) No.1121 of 2020

8. In the result, the writ appeal is dismissed. No costs.

[D.K.K., J.]

[R.V., J.]

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Secretary to Government,
Ministry of Home Affairs,
Union of India,
New Delhi.
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Central Reserve Police Force,
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W.A.(MD) No.1121 of 2020

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JUDGMENT
IN
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