



W.P.No.25889 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.08.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.25889 of 2013

E.Karthick

... Petitioner(s)

Vs.

1. The Union of India, Rep. by its Secretary to Government,
Ministry of Home Affairs, New Delhi.
2. The Director General of Police,
Central Reserve Police Force,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
3. The Deputy Inspector General of Police,
Central Reserve Police Force,
Group Centre, Avadi, Chennai – 600 065.
4. The Deputy Inspector General of Police,
Central Reserve Police Force Range,
Siliguri, West Bengal.
5. The Commandant, Central Reserve Police Force,
169 Battalion, Bhuvaneswar, Orissa State.

... Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the



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final order passed by the fourth respondent dated 04.04.2013 in his office order passed by the fourth respondent dated 04.04.2013 in his office order No.R.XIII-1/2013-SLG-EC-3 confirming the order dated 04.07.2009 in his office order No.P VIII-1/2009-169-EC-II passed by the fifth respondent and quash the same and to direct the respondents to take the delinquent into the strength of CRPF.

For Petitioner(s) : Mr.A.S.Mujibur Rahman

For Respondent(s) : Mr.A.R.Sakthivel

ORDER

The petitioner herein, who was appointed as a 'Constable' in the Central Reserve Police Force (CRPF) on 22.09.2004 under the control of the Respondent No.2, undergone training for a period of 15 months and thereafter, he was posted at the 169 Battalion in the year 2005. While he was working as such, the petitioner was subjected to disciplinary proceedings by issuing the charge-memo dated 10.02.2009, containing a solitary charge. The said charge reads as under:-

“That No.041698583 CT/GD K.Karthick of 16 BN, CRPF, committed an act of misconduct in discharge of his duty as a member of the Force in which whiel he was posted in B/169 BN CRPF failed to report for duty on the due date i.e., 22.10.08 (FN) after expiry of 15 days C/L wef 29.09.208 to 21.10.08, 07.10.08 (RH) and 02.10.08, 08.10.08, 09.10.08 (G.H) and overstaying without any permission of the Competent authority and not yet reported back till date



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which is prejudicial to good orders and discipline of the Force, punishable under Section 11 (1) of CRPC Act 1949.”

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2. The charge against the petitioner is that, the petitioner having availed leave for a period of 15 days, failed to report to duty on the due date, i.e., on 22.10.2008, and overstayed without any permission of the competent authority till the date of the said charge-memo. It was thereafter, the petitioner, instead of submitting his explanation to the charge-memo, made a request for extension of leave on 24.02.2009 on the ground that his ailing mother. In the light of the same, the Respondent No.5 appointed an Enquiry Officer to enquire into the charge. Accordingly, the Enquiry Officer conducted an enquiry by duly putting the petitioner on notice. However, the petitioner failed to participate in the enquiry till 03.03.2009. In view of the same, the petitioner was set *ex-parte* in the enquiry and further proceedings went on. Finally, the petitioner reported back to duty only on 03.04.2009, and thereafter, the statement of the petitioner was recorded by the Enquiry Officer on 01.05.2009 and thereafter submitted his report on 02.05.2009. A copy of the report of the Enquiry Officer was furnished to the petitioner on 13.05.2009 by the Respondent No.5, by duly affording an opportunity to the petitioner to make his further representation, if any, within a period of 15 days from the date of issue of the said report. But the petitioner failed to submit any



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further representation either by raising objections on the procedure followed by the Enquiry Officer or on the findings recorded in the report of the Enquiry Officer.

3. In view of the same, the Respondent No.5 proceeded to pass the final order imposing the punishment of 'removal from service' by an order dated 04.07.2009. The Respondent No.5, while passing the order of removal from service dated 04.07.2009 has been pleased to record a specific finding that, inspite of affording repeated opportunities to the petitioner by serving notices on 29.10.2008, 17.11.2008 and 25.02.2009, the petitioner failed to join duty and thereby deliberately overstayed without any leave with effect from 22.10.2008. Aggrieved by the said order of removal from service dated 04.07.2009, the petitioner filed an appeal before the Respondent No.4, but the same was rejected by the respondents by an order dated 04.04.2013. It is aggrieved by the said order of removal from service dated 04.07.2009, as confirmed by the order dated 04.04.2013, the petitioner approached this court by filing the present writ petition.

4. Mr.A.S.Mujibur Rahman, the learned counsel for the petitioner contended that for mere absence from duty and overstaying beyond the sanctioned leave, the punishment of 'removal from service' imposed on the petitioner, is shockingly



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disproportionate to the alleged misconduct. He also further submitted that the mother of the petitioner also made a request for sanction of leave to the petitioner, who is said to be taking care of his ailing mother. He also further submitted that the Enquiry Officer has not afforded any opportunity during the course of enquiry and he was not allowed to examine any of the witnesses in support of his contentions.

5. On the other hand, Mr.A.R.Sakthivel, learned counsel for the respondents contended that the entire procedure that has been followed in the enquiry proceedings is strictly in accordance with law, and that the petitioner was afforded ample opportunity, but the petitioner has chosen not to participate in the proceedings on his own.

6. This court has carefully considered the submissions made on either side and also perused the entire material on record.

7. It is not in dispute that the petitioner overstayed on expiry of the leave with effect from 22.10.2008. It is also not in dispute that the petitioner was



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required to report to duty on more than three occasions, but admittedly, the

petitioner failed to report to duty. Even after issuance of the charge-memo dated

10.02.2009 also, the petitioner has chosen not to report to duty but made a request

for extension of leave. It is even the case of the petitioner that he has submitted

necessary leave applications in accordance with the rules, requesting the

respondents to sanction leave beyond 22.10.2008. However, no material is placed

either before the Enquiry Officer nor before this court to substantiate his

contention that the petitioner has been taking care of his ailing mother. In the

absence of any material, and in the absence of the petitioner participating in the

enquiry proceedings before the Enquiry Officer, it is not open for the petitioner to

allege violation of principles of natural justice in the matter of conducting an

enquiry by the Enquiry Officer. Even assuming that there were certain lapses in the

conduct of the enquiry, it was always open to the petitioner to raise all such

objections when he was afforded a further opportunity. Even at that stage, the

petitioner has not chosen to raise objections either on the procedure adopted by the

Enquiry Officer during the course of the enquiry or on the findings recorded by the

Enquiry Officer. Thus, the findings recorded by the Enquiry Officer have not been

objected to by the petitioner. All this shows that the petitioner was not serious in



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defending himself and chose to stay away from the disciplinary proceedings. By the date of his overstay on 22.10.2008, the petitioner had only completed four years of service, out of which, 15 months happens to be training period. Having completed only 4 years of service, the petitioner has chosen to overstay after expiry of leave. The petitioner has also not chosen to respond to the repeated requests made by the Respondent No.5 to report to duty. This shows gross indiscipline on the part of the petitioner, who is employed in a disciplined and uniformed force.

8. In the circumstances, this court does not find any reason to interfere with the impugned order passed by the respondents and accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary to Government of India, Ministry of Home Affairs, New Delhi.



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2. The Director General of Police, Central Reserve Police Force,
CGO Complex, Lodhi Road, New Delhi – 110 003.

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MUMMINENI SUDHEER KUMAR, J.

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