



W.P.No.6662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.6662 of 2023

Srikanta Kumar Naik

... Petitioner

Vs.

1.Union of India

Rep by the Deputy Inspector General of Police,
Central Reserve Police Force,
Chennai Range, Avadi, Chennai- 600 055.

2.The Commandant

42 Battalion, Central Reserve Police Force,
District Police Training Centre,
Lalacheruvu, Rajahmundry,
Andhra Pradesh- 533 106.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records concerned from the respondents, quash the order of the 1st respondent dated 06.12.2021 bearing no. R.XIII - 19 / 2021- EC- III and the order of the 2nd respondent bearing office order No. P.VIII- 1 / 2015 - 42 - EC- II (SKN) dated 10.02.2016 as illegal, arbitrary and contrary to law and consequently direct the respondents to reinstate the Petitioner with full back wages, continuity of service and all other attendant benefits.

For Petitioner : Mr.Balan Haridas

For Respondents : M/s.J.Priscilla Pandian, CGSPC
for R.1 & R.2



ORDER

This Writ Petition has been filed for the following reliefs:-

“Calling for the records concerned from the respondents, quash the order of the 1st respondent dated 06.12.2021 bearing no. R.XIII - 19 / 2021- EC- III and the order of the 2nd respondent bearing office order No. P.VIII- 1 / 2015 - 42 - EC- II (SKN) dated 10.02.2016 as illegal, arbitrary and contrary to law and consequently direct the respondents to reinstate the Petitioner with full back wages, continuity of service and all other attendant benefits.”

2. The petitioner is aggrieved by the fact that his appeal filed with a petition to condone the delay against the order of removal from service, was rejected summarily without assigning sufficient reasons, merely citing the limitation period of 30 days prescribed under Rule 28 of the CRPF Rules and without considering Rule 28(e) of the CRPF Rules, which empowers the Appellate Authority to entertain a time-barred appeal.

3. Heard the learned counsel on either side and perused the records.

4. A mere perusal of the impugned order dated 06.12.2021 clearly shows a total non-application of mind on the part of the 1st respondent



while passing the impugned orders as the 1st respondent had totally failed to appreciate the reasons given by the petitioner in his Memo of Appeal. That apart, without taking note of Rule 28(e) of the CRPF Rules, which empowers the Appellate Authority to entertain a time-barred appeal, the 1st respondent has mechanically rejected the petition to condone the delay by merely citing the limitation period of 30 days prescribed under Rule 28 of the CRPF Rules. Therefore, without going into the merits of the case and taking note of the fact that the 1st respondent had passed the impugned order dated 06.12.2021 without properly appreciating the issue on hand, the Writ Petition is disposed of with the following directions:-

(i) The impugned order passed by the 1st respondent dated 06.12.2021 is quashed.

(ii). The petition filed by the petitioner to condone the delay in filing the appeal against the punishment of removal from service is allowed.

(iii) The matter is remitted back to the 1st respondent for fresh consideration, who shall pass orders on the appeal preferred by the petitioner against the order of removal from service dated 10.02.2016 passed by the 2nd respondent, after affording the petitioner an opportunity of personal hearing, within a period of three months from the date of receipt of a copy of this order.



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5. There shall be no order as to costs.

10.12.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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