



W.P.No.10483 of 2025

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 27.03.2025

Coram

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN**

W.P.No.10483 of 2025 &  
WMP.No.11806 of 2025

K.Arul Stalin

... Petitioner

-Versus-

1.The DIG Cum CSC/SRLY and  
Appellate Authority,  
Railway Protection Force,  
Southern Railway, 6<sup>th</sup> Floor,  
Moore Market Complex,  
Park Town, Chennai – 600 003.

2.The Disciplinary Authority /  
Assistant Security Commissioner/RPF/ICF/PER,  
Railway Protection Force,  
Integral Coach Factory,  
Chennai – 600 038

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent – the Appellate Authority dated 30.09.2024 and the Original Order dated 17.05.2024 passed by the second respondent – the Disciplinary Authority, quash the same and consequently, direct the respondents to reinstate the petitioner in service with all attendant benefits.

*1 of 9*



WEB COPY



W.P.No.10483 of 2025

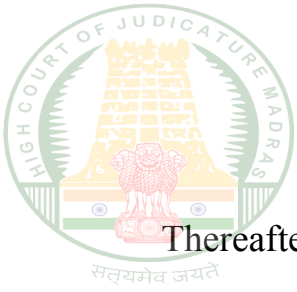
*For Petitioner* : *Ms.D.Geetha*

*For Respondents* : *Mr.A.Kumara Guru*  
*Standing Counsel*

### **ORDER**

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order passed by the first respondent/Appellate Authority dated 30.09.2024 and the original order dated 17.05.2024 passed by the second respondent/Disciplinary Authority and quash the both and direct the respondents to reinstate the petitioner in service with all attendant and monetary benefits.

2. In the affidavit filed in support of this writ petition, it had been stated that the petitioner had entered the service of Railway Protection Force in the year 1988 as Constable. He was suspended on 05.03.2023 for alleged misconduct. He stated that he was posted as security in D&D building of the Furnishing Factory/ICR premises on the intervening night between 04.03.2013 and 05.03.2013. His duty time was between 09.30 pm and till 6.00 am of the next day/05.03.2013. It had been contended that another constable had been posted in the adjoining post hardly about 100 meter away. It had been stated that when they encountered, they made a record as NTR/Nothing To Report.



W.P.No.10483 of 2025

Thereafter, after he had been relieved, he was informed that he was detained for alleged theft inside the Integral Coach Factory Premises. He was placed under judicial custody on 05.03.2013. He was suspended from service on 06.03.2013.

3. Two charges had been levelled against him. The first one is that while in duty on the intervening night between 04.03.2013 and 05.03.2013, he had deserted his duty point office building and therefore, had failed to discharge his duty in the manner required as a uniformed personnel. The second charge is that he was found in unlawful possession of Railway Copper cables and Crimping sockets outside the factory compound wall backside of the welfare centre. It was presumed that he had stolen the property.

4. Simultaneously, an FIR was also registered and the petitioner was shown as the first accused and yet another individual was shown as the second accused. After filing final report, the trial in Criminal Case commenced before the learned VI Metropolitan Magistrate at Egmore in C.C.No.2825 of 2013. A judgment was pronounced on 15.12.2021 acquitting the accused/petitioner of all charges. Strong reliance had been placed by the learned counsel for the petitioner on the findings of the learned Magistrate and it is contended that the



W.P.No.10483 of 2025

said findings should have been examined by the enquiry officer and must also

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5. While examining the reasons given for acquittal, one of the primary reasons given was that the confession of the petitioner was recorded in the presence of a Police Inspector and therefore, it could not be taken into consideration. The second primary reason why a judgment of acquittal was returned by the criminal court was that the prosecution had failed to establish recovery of property from the second accused. The learned counsel however invited the Court to read into the judgment in more detail.

6. It is seen that since the petitioner had been acquitted before the Criminal Court which was also urged before the enquiry officer, the enquiry officer in his enquiry report had very clearly stated that in the criminal case, very strict proof was required, but preponderance of probabilities are sufficient to establish the charges during the enquiry proceedings. Therefore, the reliance placed on the acquittal was not taken into consideration by the enquiry officer. A finding was returned that the charges had been proved. Thereafter,



W.P.No.10483 of 2025

punishment had been imposed against the petitioner of removal from service.

The petitioner had filed an appeal wherein the Appellate Authority had also confirmed the said punishment. The petitioner still has an avenue to file a revision before the appropriate forum.

7. But however, the learned counsel for the petitioner stated that the filing of the revision is not mandatory and therefore, that cannot be considered as an alternate remedy available to the petitioner herein.

8. If the petitioner is of the view that he need not file a revision, this court cannot insist on him to file a revision. It is his choice. While inviting the Court to examine the flaws which occurred, during the course of enquiry, the learned counsel stated that the petitioner had given a request for supply of a set of documents and that in the reply, it had been stated that some of the documents are not required and does not relate to the charges and the other document had been filed in the Criminal Court and therefore, the petitioner should have received the same. There was also a request that the petitioner should be assisted by a friend which was also turned down. These are the aspects which happened during the course of enquiry or before the Appellate



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9. Both the authorities had returned a finding that the documents as sought by the petitioner are not required to be issued and that the assistance of a friend is not required. The petitioner still has an avenue to file a revision to urge the revisional authority to re-examine the entire issue.

10. It is further contended that the very charge itself is not proved, which again the petitioner could have raised before the revisional authority. As stated above, the petitioner is not willing to file any revision. The Court cannot convert itself either as an appellate authority sitting over the order of the enquiry officer or as a revisional authority to perform the duties of the revisional authority.

11. The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

27.03.2025

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Index : Yes/No

6 of 9



W.P.No.10483 of 2025

Speaking order/Non speaking order  
Neutral Citation : Yes/No

WEB COPY

To

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WEB COPY



W.P.No.10483 of 2025

**C.V.KARTHIKEYAN, J.**

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W.P.No.10483 of 2025



WEB COPY



W.P.No.10483 of 2025

27.03.2025