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W.P.No.13824 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 7/1/2025

CORAM

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

W.P.No.13824 of 2021
a n d
W.M.P.No.14691 of 2021

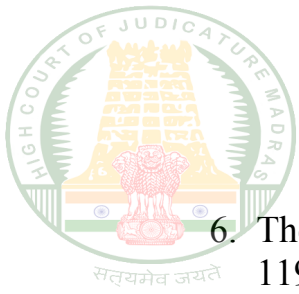
Rahul P.Nair

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Petitioner

Vs

1. The Director General
CRPF, CGO Complex
Lodhi Road
New Delhi 110 003.
2. The Special Director General
North East Zone, CRPF
Guwahati
Assam.
3. The Inspector General of Police
North Eastern Sector, CRPF
Stoney-Heaven, Bishop Cotton Road
Shillong, Meghalaya
4. The Deputy Inspector General of Police
GC, CRPF, Khatkahti, Karbianglong
Assam 782 480.
5. The Deputy Inspector General of Police
Group Centre, CRPF, Avadi
Chennai 600 054.



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6. The Commandant
119 Battalion, CRPF
Rowriya, Jorhat
Assam.

...

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus to call for the records of the order dated 10/11/2017 of sixth respondent in Proceedings No.P.VIII-01/2017-Estt.II-119 Bn dismissing the petitioner from service and subsequent appeal order dated 21/2/2018 of fourth respondent in Proceedings No.R.XIII-05/2018-EC-II, revision order dated 18/7/2018 of third respondent in Proceedings No.R-XIII-01/2018-NES-Adm-III/3226 and revision order dated 4/6/2019 of second respondent in Proceedings No.R.XIII-01/2019-NEZ-CR& Vig-1 rejecting the petitioner's appeal and revision petition and quash the same directing the respondents to reinstate the petitioner's into service in CRPF with all monetary benefits.

For Petitioner

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Mr.R.Meenakshi

For Respondents

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Mr.B.Rabu Manohar

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ORDER

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This Writ Petition has been filed to quash the order dated 10/11/2017 of sixth respondent in Proceedings No.P.VIII-01/2017-Estt.II-119 Bn and subsequent appeal order dated 21/2/2018 of fourth respondent in Proceedings No.R.XIII-05/2018-EC-II, revision order dated 18/7/2018 of third respondent in Proceedings No.R-XIII-01/2018-NES-Adm-III/3226 and revision order dated 4/6/2019 of second respondent in Proceedings No.R.XIII-01/2019-NEZ-CR& Vig-1 and direct the respondents to reinstate the petitioner into service in CRPF with all monetary benefits.

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

3.The case of the petitioner herein is similar to that of the dispute which arose in the Civil Appeals in C.A.Nos.1763-1764 of 2022 (*The State of Karnataka and another Vs. Umesh*). In the said Civil Appeals, the Hon'ble Supreme Court has passed the following order:

“17. In the exercise of judicial review, the Court does not act as an appellate forum over the findings of the disciplinary

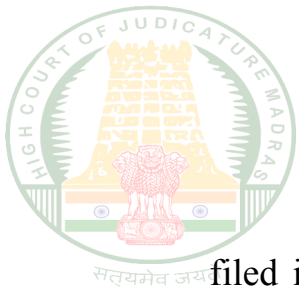


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authority. The court does not re-appreciate the evidence on the basis of which the finding of misconduct has been arrived at in the course of a disciplinary enquiry. The Court in the exercise of judicial review must restrict its review to determine whether: (i) the rules of nature justice have been complied with; (ii) the finding of misconduct is based on some evidence; (iii) the statutory rules governing the conduct of the disciplinary enquiry have been observed; and (iv) whether the findings of the disciplinary authority suffer from perversity; and (v) the penalty is disproportionate to the proven misconduct. However, none of the above tests for attracting the interference of the High Court were attracted in the present case. The Karnataka Administrative Tribunal having exercised the power of judicial review found no reason to interfere with the award of punishment of compulsory retirement. The Division Bench of the High Court exceeded its jurisdiction under Article 226 and trenched upon a domain which falls within the disciplinary jurisdiction of the employer. The enquiry was conducted in accordance with the principles of nature of justice. The findings of the inquiry officer and the disciplinary authority are sustainable with reference to the evidence which was adduced during the enquiry. The acquittal of the respondent in the course of the criminal trial did not imagine upon the authority of the disciplinary authority or the finding of misconduct in the disciplinary proceeding.”



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4. The subject matter in issue is also similar to that of the Civil Appeals filed in C.A.Nos.1763-1764 of 2022, in which the aforesaid order has been passed.

5. In the light of the order passed by the Hon'ble Supreme Court in the Civil Appeals as stated supra, this Writ Petition is dismissed. However, the Competent Authority is directed to give the pending dues to the petitioner within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

7/1/2025

mvs.

Index : Yes / No

Neutral Citation : Yes / No

VIVEK KUMAR SINGH, J

mvs.

To

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