



W.P.No.41871 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.41871 of 2016

and

W.M.P.No.35856 of 2016

P.Muthu,
S/o.S.Ponnusamy

... Petitioner

Vs.

1.The Director General,
Central Reserve Police Force (CRPF),
CGO Complex,
Lodhi Road, New Delhi.

2.The Additional Director General,
South Zone,
Central Reserve Police Force (CRPF),
Hyderabad – 05.

3.The Office of Inspector General of Police,
Deputy Inspector General of Police (ADM),
Southern Sector,
Jubilee Hills, Road No.10-C,
Near M.L.A./M.P. Colony, Gayathri Hills,
Hyderabad – 500 033.

4.The Deputy Inspector General of Police,
Group Centre,
Central Reserve Police Force (CRPF),
Avadi, Chennai – 65.

... Respondents



W.P.No.41871 of 2016

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Order No.P.VIII.1/2016-EC-2-GC AVD dated 10.11.2016 by the 4th respondent and also the order passed by the 4th respondent in his No.P.VIII.1/2016-EC-2-GC AVD dated 28.05.2016 and quash the same and to direct the respondents to treat the period from 20.02.2016 to 19.03.2016 as duty period and to pay all the benefits and refund the amounts recovered from the salary of the petitioner from June 2016 to October 2016.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.C.Samivel
Senior Panel Central Government
Standing Counsel (SPCGSC)

ORDER

The Petitioner is before this Court against the Order dated 28.05.2016 passed by the 4th Respondent and the Order dated 10.11.2016 passed by the 3rd Respondent affirming the Order dated 28.05.2016 of the 4th Respondent (hereinafter referred to as the “Impugned Orders”). The Impugned Order dated 28.05.2016 of the 4th Respondent reads as under:-

“No.861161786 SI/GD P.Muthu of this GC was found absent from duty with effect from 20/02/2016 in continuation to sanctioned 28 days medical rest with effect from 23/01/2016 to 19/02/2016 without any valid permission/sanction of the leave sanctioning authority and also disobeyed the order issued vide this Office Letter No.L.II-16/2016-SRC-1/GC dated 24/02/2016 directed him



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W.P.No.41871 of 2016

to report at CH Avadi for second medical opinion and finally reported at his own on 20/03/2016. A Preliminary Enquiry was conducted on the above counts of his misconduct of which report prima facie established that No.861161786 SI/GD P.Muthu remained absent of his own from 20/02/2016 to 19/03/2016 and not reported about the further course of action on his part when he was directed to undergo second medical opinion on medical treatment received by him.

2. After considering all aspects relevant in the case, it is hereby ordered to dealt him in Commandant's Orderly Room for his committed misconduct and the unauthorised period of **absence from duty 20/02/2016 to 19/03/2016 is hereby regularised as LHP with no leave salary.**”

2. The Impugned Order dated 10.11.2016 of the 3rd Respondent reads as under:-

“The IG SS HQr informed vide Signal No.W.V.4/16-SS-Adm-8 dated 08/11/2016 that your representation on subject matter has been examined with relevant rules / instruction and the same is rejected as there is no need to interfere with the orders issued by this GC. This is for your information.”

3. The Impugned Order passed by the 3rd Respondent precedes a Show Cause Notice dated 13.03.2016. The charge against the Petitioner in the Show Cause Notice was regarding the action that ought to be taken against the Petitioner for being absent between 20.02.2016 and 19.03.2016. This was after



W.P.No.41871 of 2016

the Petitioner was sanctioned leave for the period between 23.01.2016 and 19.02.2016.

4. In the Counter Affidavit that has been filed by the Respondents in Paragraph 3(e) and 3(f), it has been stated as follows:-

“3. I humbly submit that the writ petition is devoid of merits. I submit that the brief history of the facts, culminating in filing this counter is as follows:

- a)
- b)
- c)
- d)
- e) From the above, it is evident that he availed the medical rest from 20.02.2016 to 19.03.2016 at his own and also never bothered to request the leave sanctioning authority to get permission to avail the advised medical rest, thereby, he unauthorizedly availed leave from 20.02.2016 to 19.03.2016 though under treatment at Rajiv Gandhi Government General Hospital, Chennai as per the documents produced by him. Although the individual having valid medical documents in support of his treatment he availed the medical rest at his own without obtaining the permission of competent authority. He also failed to comply/obey the orders of competent authority to undergo second medical examination.
- f) After considering all aspects/relevant to the case, his unauthorized period of absence from duty from



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W.P.No.41871 of 2016

20.02.2016 to 19.03.2016 regularized at LHP with no leave salary and ordered to deal him in Commandant's Orderly Room for his misconduct/disobedience of Orders vide DIGP GC CRPF Avadi Office Order No.P.VIII.1/2016.EC-2-GC AVD dated 28.05.2016. Accordingly, he was dealt in Orderly Room on 03.06.2016 and awarded "Censure".

5. Thus, there is no dispute that the Petitioner was undergoing treatment due to certain injuries for which the Petitioner was sanctioned leave earlier between 23.01.2016 and 19.02.2016. The Petitioner however continued to take leave from 20.02.2016 up to 19.03.2016 due to the treatment.

6. The Respondents had also condoned the same but however had partly imposed penalty on the Petitioner by granting only 50% Leave Salary on Half Pay (LHP). The punishment that has been awarded by the Respondents on the Petitioner is unsustainable and therefore the Impugned Orders are liable to be interfered with.

7. That apart, the Impugned Orders dated 28.05.2016 and 10.11.2016 passed by the 4th Respondent and the 3rd Respondent respectively, the content of which have been extracted above indicates that there is also no application of



W.P.No.41871 of 2016

mind to the facts of the case by the aforesaid Respondents.

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8. Therefore, this Writ Petition deserves to be allowed. The Respondents are directed to release the arrears of pay if any within a period of three (3) months from the date of receipt of a copy of this order.

9. In the result, this Writ Petition is allowed. No costs. Connected Writ Miscellaneous Petition is closed.

24.04.2025

Neutral Citation : Yes / No

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To:

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W.P.No.41871 of 2016

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C.SARAVANAN, J.

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