



W.P. No.10512 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.10512 of 2014

R.Arockiasamy

... Petitioner

Vs.

1. The Union of India,
Rep. By its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
Central Reserve Police Force,
CGO Complex, Lodhi Road,
New Delhi.
3. The Inspector General of Police,
Central Reserve Police, Southern Sector,
10th Road, Near M.P.MLA Colony,
Jubilee Hills and Gayathri Hills,
Hyderabad – 500 033,
Andhra Pradesh.
4. The Deputy Inspector General of Police,
Central Reserve Police,
Aavadi, Chennai – 600 065.
5. The Commandant,
Central Reserve Police Force,
19, Battalion, Rourkela,
Odissa.

... Respondents



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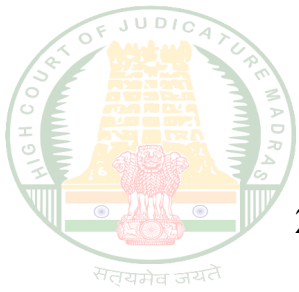
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 3rd Respondent in his order No.R.XIII.12/14-Adm-7, dated 13.02.2014 confirming the order passed by the 4th respondent in his office order No.R.XIII-9/2013-ESTT.3, dated 08.10.2013 confirming the order passed by the 5th Respondent in his order No.P.VII-11/2012-EC-II-19, dated 31.07.2013 and quash the same and to direct the respondents to take the petitioner in to the strength of CRPF as Head Constable with monetary benefits.

For Petitioner : Mr.J.Jayamalan for
Mr.K.Semmalai

For Respondents : Mr.G.Ilangovan
Central Government Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the orders passed by the 3rd Respondent in No.R.XIII.12/14-Adm-7, dated 13.02.2014 confirming the order passed by the 4th respondent in No.R.XIII-9/2013-ESTT.3, dated 08.10.2013 confirming the order passed by the 5th Respondent in No.P.VII-11/2012-EC-II-19, dated 31.07.2013 and consequently direct the respondents to take the petitioner into service in CRPF as Head Constable with all monetary benefits.



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2. The brief facts of the case are that the petitioner herein while working as HC/GD 19th Battalion in Central Reserve Police Force (in short CRPF), was subjected to disciplinary proceedings under Section 11(1) of CRPF Act, 1949 by issuance of a Charge Memo, dated 27.11.2012 pertaining to two charges. The said charges read as under:

- i. *No.913120864 HC/GD Arockiasamy.R of G/19.Bn CRPF has committed an act of misconduct and disobedience in his capacity as a member of the force, under Section 11(1) of the CRPF Act, 1949 in that he consumed liquor and found under influence of liquor while on duty on 05.11.2012 night and at the time of stand-to during night he was not carrying his weapon which is prejudicial to the good orders and discipline of the force.*
- ii. *No.913120864 HC/GD Arockiasamy R has committed an act of misconduct and disobedience in his capacity as a member of the force, under Section 11(1) of the CRPF Act, 1949 in that he under the influence of liquor abused and assaulted / manhandled his senior No.015267311 SI/GD Rajpal Singh on 05.11.2012 night while on duty checking at 11.30 hrs, which is prejudicial to the good orders and discipline of the force.*

3. Thereafter, an enquiry was conducted on the above charges and by orders dated 31.07.2013, the fifth respondent imposed a punishment of compulsory retirement from service on the petitioner. Aggrieved by the said order, the petitioner filed an appeal before the fourth respondent and the same was rejected on the following ground:

“6. I am convinced that the appellant is not a fit person to be retained in the Force and punishment of "Compulsory retirement from service" awarded by the



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disciplinary authority viz. Commandant 19 Bn CRPF vide order No.P.VIII-11/2012-EC.2-19 dated 31/7/2013 is considered appropriate and commensurate with the gravity of offence committed by him. There is no injustice or illegality and no violation of natural justice occurred. Further, the appellant has not brought out any new facts or material evidence in his appeal which may justify his claim for re-instatement in service or any reduction in the quantum of punishment awarded by the disciplinary authority. The contention of the appellant in his appeal is unfounded and devoid of any substance and not supported with documentary evidence. The contentions and allegations made by the appellant in his appeal are found to be a futile attempt on his part to cover up the mistakes committed by him. The offence committed by the appellant is grave in nature and deserves harsh punishment. However keeping the previous service rendered by the 'appellant' the disciplinary authority has already taken a lenient view and awarded lesser punishment of "COMPULSORY RETIREMENT FROM SERVICE" (Full compensation pension and $\frac{3}{4}$ Gratuity) as per Rule 40 of CCS pension Rule.

4. Thereafter, the petitioner filed a revision before the third respondent on 24.10.2013. However, the said revision was also rejected vide order dated 13.02.2014. It is aggrieved by the said orders dated 31.07.2013, 08.10.2013 and 13.02.2015 passed by the respondents 5, 4 and 2 respectively, the petitioner approached this Court by filing the present Writ Petition.

5. Heard Mr.J.Jayamalan for Mr.K.Semmalai, learned counsel for



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the petitioner and Mr.G.Ilangovan, learned Central Government Standing Counsel appearing for the Respondents.

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6. On perusal of the charges that are levelled against the petitioner, it is seen that the petitioner consumed liquor and found under the influence of liquor while on duty on 05.11.2012 and at the time of stand-to during night, he was not carrying his weapon. The second charge is that the petitioner under the influence of liquor, abused and assaulted / manhandled his senior by name Rajpal Singh who was working as SI/GD on 05.11.2012 at 11.30 p.m.

7. Though the petitioner raised certain grounds touching the Principles of natural justice for not granting sufficient opportunity to defend his case, this Court is not inclined to go into those aspects for the following reasons:

From the perusal of the materials on record, it is evident that the petitioner himself has admitted about the consumption of liquor though he had consumed only 30 ml of liquor. Insofar as the allegation of assaulting the higher official is concerned, that was also admitted by the petitioner and the same is evident from the appeal filed by the him before the fourth



respondent and the relevant portion is extracted hereunder:

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“I took my bed and things and kept in vehicle and went to get the moment order from G company office Shri. Rajpal was writing report about me, I told him that I will reveal all the blunders committed by you to the commandant, Then he immediately jumped and said that what he do against me the commandant also from my area. Out of my frustration and no fault of mine, with anger I touched with my finger at his lips whereas he began to bite his lips himself and wounded and shouted and that I have hit him. Immediately, he ordered to tie both my hands and after repented requests they freed me.”

8. The fact that the higher official by name Rajpal Singh getting injured on his lips and cheeks, is evident from the appeal filed by the petitioner. However, the petitioner tried to contend that he only tried to touch the lip of his senior Rajpal Singh, but Mr.Rajpal Singh himself got hurt and made a complaint against the petitioner. This Court having taken note of the totality of the circumstances especially the fact that the petitioner who was under intoxication, tried to assault his higher official for making complaint against him and also the fact that the petitioner also threatened the higher official not to inform about all the so called misleads committed by him show the conduct of the petitioner. Insofar as the second charge levelled against the petitioner is concerned though it appears to be not serious in nature warranting the imposition of punishment of compulsory retirement from service, taking into



consideration the past conduct of the petitioner which was taken note of by the appellate authority while rejecting the appeal filed by the petitioner, this Court is not inclined to interfere with the impugned orders. The previous punishments that were suffered by the petitioner are extracted by the fourth respondent in paragraph no.8 of the order dated 08.10.2013 which reads under:

8)....

(a) For consuming liquor, fighting with staff, tearing clothes during course period (SCC Sl.No.29) at CTC.3 he was awarded punishment of 5 days Confinement to line with forfeiture of pay and allowances and one hours pack drill morning and evening w.e.f. 27/6/2005 to 1/7/2005.

(b) For consuming liquor during day time on 6/3/2008 and creating nuisance in camp, he was awarded "Censure".

(c) For threatening and misbehaving with seniors on 7.4.2011 he was awarded "Severe Censure".

(d) For misbehaving with Coy Comdr and Coy 2 I/C in front of Public Rly Stn Howrah on 12/5/2011, he was awarded "Censure".

(e) He was issued Warning letter during 7/2012.

(f) Further his ACR grading for the year 2012 was graded as average.

(g) Besides above, remarks of "his mental condition is not good" and individual was diagnosed as having bipolar affective disorder since 14.12.2002 have also been found in his confidential report during the year from 2004 to 2008.

9. From the above, it is evident that the petitioner consumed liquor while on duty on more than one occasion, while the petitioner was



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employed in CRPF which is a disciplined Uniform force. Indulging in such an act of consuming liquor while on duty carrying weapon would seriously prejudice the interest of the entire force itself and also endangering security of the establishment concerned. In the light of the above, though there is an allegation of violation of Principles of natural justice, taking into consideration the admission of charges by the petitioner in respect of consumption of liquor while on duty and also the identical previous instances of consumption of liquor while on duty, this Court does not find any reason to exercise its jurisdiction under Article 226 of the Constitution of India.

10. In the result, this Writ Petition is dismissed. No costs.

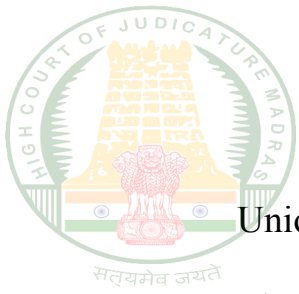
18.06.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
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To:

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MUMMINENI SUDHEER KUMAR,J.,



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