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W.P.No.24501 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/3/2025

C O R A M

The Hon'ble **Ms.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.24501 of 2021

a n d

W.M.P.No.25817 of 2021

T. Thirumurthy ... Petitioner

Vs

1. Union of India
rep. By The General Manager
Southern Railway
Chennai 600 003.
2. The Principal Chief Security Commissioner
R.P.F.Southern Railway
Moor Market Complex, 6th Floor
Park Town
Chennai 600 003.
3. The Senior Divisional Security Commissioner
M.A.S Southern Railway
D.R.M.Complex, 5th Floor
Park Town
Chennai 600 003.
4. The Assistant Security Commissioner
R.P.F.
Thiruvananthapuram 14. ... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the concerned records relating to the order No.VXP/227/153/01/21 dated 3/11/2021 passed by the fourth respondent and quash the same.

For petitioner ... Mr.M.Gnanasekar

For respondents ... Mr.P.T.Ramkumar
Standing Counsel
for R.R.1 to 3.

No appearance for R.4

ORDER

This writ petition has been filed to quash the order dated 3/11/2021 passed by the fourth respondent in No.VXP/227/153/01/21.

2. Brief facts which led to the filing of the writ petition are as follows:-

The petitioner was transferred from Chennai to Trivandrum Central, vide order dated 6/7/2020 of the second respondent. Due to family circumstances, he was remained absent from 30/12/2020. Hence a Charge



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Memorandum for major penalty dated 3/11/2021 has been issued by the fourth respondent, under Rule 153 of the Railway Protection Rules, 1987.

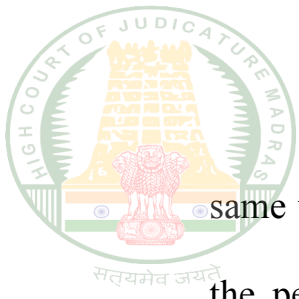
The first sitting of the enquiry was fixed on 10/11/2021. Being aggrieved, the petitioner has filed the instant writ petition.

3. Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.P.T.Ramkumar, learned Standing Counsel for the respondents 1 to 3. There is no representation on behalf of the fourth respondent.

4. The learned Standing Counsel appearing for the respondents would submit that the fourth respondent has issued the Charge Memorandum following the provisions of Railway Protection Force Rules, relating to initiation of disciplinary action against a member being absent in an unauthorised manner.

5. Perused the materials available on record.

6. Admittedly, the request submitted by the petitioner for Voluntary retirement from service was not accepted by the competent authority and the



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same was communicated to the petitioner, vide letter dated 4/12/2020. But the petitioner has not chosen to challenge the order passed rejecting his request for voluntary retirement. Hence, disciplinary proceeding has been initiated against the petitioner. Being a member of the Armed Force of the Union, petitioner is liable to be posted anywhere in Indian Railways and the same has been mentioned in the appointment order.

7. Considering the fact that the petitioner is going to attain his superannuation on 31/3/2025, this Court direct the respondents to club the charges framed in W.P.No.17950 of 2022 along with the charges framed in the instant writ petition and complete the enquiry proceedings before the end of May 2025.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

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V.BHAVANI SUBBAROYAN,J

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