



W.A. No.2400 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

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CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A. No.2400 of 2025

Gopal Bhagat S/o. Jai Nandean Bhagat Appellant / Petitioner
Vs.

1. The Director General,
CISF,
Block No.13, CGO Complex,
Lodhi Road, New Delhi - 110 003.

2. The Commandant / Legal,
FHQ, Block No.13, CGO Complex,
Lodhi Road, New Delhi - 110 003.

3. The Deputy Inspector General / SZ,
CISF GP, HQRS,
Block D Rajaji Bhavan,
Besant Nagar, Chennai-600 090.

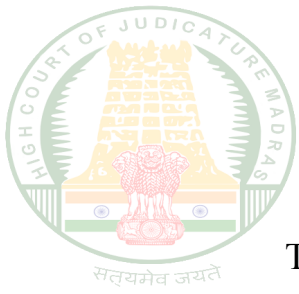
... Respondents

PRAYER: The Writ appeal is filed under Clause 15 of Letters Patent praying
to set aside the order dated 14.03.2023 made in W.P. No.6746 of 2023.

For Appellant : Mr. B. Gopalakrishnan

For Respondents : Ms. V. Sudha, Standing Counsel.

JUDGMENT



W.A. No.2400 of 2023

(Judgment of the Court was made by P.DHANABAL,J.)

This Writ Appeal has been preferred as against the order passed by the

Writ Court in W.P. No.6746 of 2023 dated 14.03.2023, wherein the petitioner herein has filed a Writ petition before the Writ Court challenging the order passed by the 2nd respondent in Ref. No.V-11014/175/L-29906-(E)583 dated 12.03.2022 and to quash the same and consequently to direct the respondents to reinstate the petitioner back in service with backwages, all attendant benefits, all increments and all allowances at par with his batchmates and to grant an amount of compensation to the petitioner.

2. The short facts necessary to dispose of the Writ appeal are as follows:

The appellant was working as 'Constable' in the Central Industrial Security Force [hereinafter referred to as 'CISF'] had been terminated from service through an order dated 18.11.1996 and thereafter he filed a revision petition against the said order and the same was also rejected. The appellant had also faced criminal charges before the Criminal Court for the commission of offence of theft and the said case was ended in acquittal and thereafter, the appellant made a representation before the 1st respondent on 24.10.2002 and the same was rejected by the 1st respondent through an order dated 09.01.2003. Again the appellant made another representation dated



W.A. No.2400 of 2023

24.07.2021 before the 1st respondent and the same was also rejected through proceedings dated 12.03.2022. Challenging the said order, the appellant herein filed a Writ petition before the Writ Court and the said petition was dismissed by the Writ Court. Aggrieved by the said order, the petitioner in the Writ petition has preferred this Writ appeal.

3. The learned counsel appearing for the appellant would submit that the appellant was appointed as a 'Constable' in the Central Industrial Security Force [CISF] Unit, Neyveli under the 1st respondent on 13.08.1995. While so, the 3rd respondent issued a Show Cause Notice dated 19.09.1996 and the same was served to him on 14.10.1996. Thereafter, the appellant submitted his reply to the said Show Cause Notice on 21.10.1996. Thereafter, the 3rd respondent issued an order of termination from service on 18.09.1996 without enquiry. No disciplinary enquiry was conducted and thereafter, the appellant submitted a revision petition against the termination order before the 1st respondent. Thereafter, the same was rejected on 17.03.1999 stating that since the termination order is not a statutory penalty, no appeal or revision lies against the same. The petitioner was acquitted from the criminal case. Thereafter, he sent a representation on 24.10.2002 requesting for reinstatement him into service and the same was also rejected through an order dated 09.01.2003. The reason for termination of his service was that he suppressed



W.A. No.2400 of 2023

the information that a criminal case has been registered against him in Cr. No.5/1991 dated 21.01.1991. In fact, in the said criminal case, he is not an accused. Again he sent a representation dated 24.07.2021 to the 1st respondent, but the same was mechanically rejected on 12.03.2022 on the ground of limitation. The order passed by the 2nd respondent is illegal and arbitrary.

3.1. Therefore the petitioner filed a Writ petition before the Writ Court in W.P. No.6746 of 2023. But the Writ Court, without considering the illegal rejection of the appellant's request and the representation dated 24.07.2021, dismissed the Writ petition by holding that "in the absence of any challenge, the earlier orders of the 1st respondent declining to grant any relief in his representations have become final and the suppression of relevant information or false information relating to criminal prosecution, arrest or pendency of criminal case against the candidate, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate and acquittal in a criminal case does not automatically entitle him for appointment to the post". The above said findings of the Writ Court are against law. Therefore, the order passed by the Writ Court is liable to be set aside.

4. The learned counsel appearing for the respondent would submit that

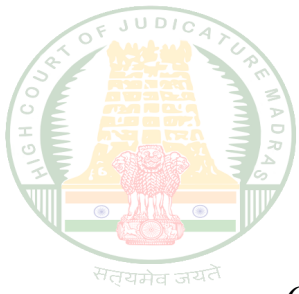


W.A. No.2400 of 2023

the appellant was appointed as 'Constable' in CISF Unit and at the time of applying for the post, he suppressed about the criminal case pending against him in Cr. No.5/1991 dated 21.01.1991. Therefore, the Disciplinary Authority issued a Charge Memo and therefore, passed an order dated 18.11.1996 by terminating the appellant from service. Thereafter, the appellant filed a revision petition and the same was rejected on 17.03.1999. Further, the appellant approached the respondents by way of representation dated 24.10.2002 and the same was rejected on 09.01.2003 and thereafter, he has not challenged the said order.

4.1. After 24 years, he again made representation only on 24.07.2021 and the same was also rejected on 12.03.2022 by giving adequate reasons and there is a delay of 24 years, thereby, the Authority has rejected the representation. The Writ Court also after considering the inordinate delay and even on merits on the ground of suppression of material facts for the involvement of the appellant in a criminal case, dismissed the petition. Therefore, the order passed by the Writ Court is a well reasoned order and the Writ Appeal is liable to be dismissed.

5. Heard both sides and perused the entire materials available on record.



W.A. No.2400 of 2023

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6. In this case, it is an admitted fact that the appellant was appointed in CISF Unit as 'Constable' on 03.07.1994 and he was terminated from service through an order dated 18.11.1996. He filed a Revision petition before the 1st respondent and the same was rejected through an order dated 17.03.1999 stating that since the termination is not a statutory penalty, no appeal or revision lies against the order of termination from service. The said order was not challenged by the appellant, even after the revision petition was rejected on the ground that no statutory penalty was imposed to him. He has not challenged the termination order in the manner known to law.

7. Thereafter, the appellant made representation dated 24.10.2002 and the same was also rejected by the Directorate General, CISF on the ground that his service was terminated for the suppression of the fact of his involvement in a criminal case at the time of recruitment and the representation was considered and rejected by the Inspector General (SWS), CISF, Mumbai and there is no provision in the CISF Act and Rules for considering the appeal or revision petition. Again the appellant sent representation dated 24.07.2021 to the 1st respondent and the same was rejected through an order dated 12.03.2022 stating that the service of the



W.A. No.2400 of 2023

appellant was terminated with effect from 05.10.1997 by the competent Authority as per existing rules and following due procedures and now the appellant submitted representation dated 24.07.2021 addressed to DG, CISF after a lapse of more than 24 years and therefore, his request cannot be considered at such a belated stage. The said order was under challenge before the Writ Court.

8. The Writ Court, after considering the judgment of Hon'ble Supreme Court in ***C. Jacob vs. Director of Geology and Mining reported in (2008) 10 SCC 115***, came to a conclusion that *"a stale claim cannot be resurrected by making fresh representation and can be rejected on the ground of delay alone without examining the merits of the controversy involved in the matter"*. Further, the Writ Court has relied upon judgments of Hon'ble Supreme Court in ***Avtar Singh vs. Union of India reported in (2016) 8 SCC 471*** and ***Union Territory, Chandigarh Administration vs. Pradeep Kumar reported in (2018) 1 SCC 797***, wherein the Hon'ble Supreme Court held that *"In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate"* and *"acquittal in a criminal case does not automatically entitle him for appointment to the post. Still, it is open to the employer to consider the antecedents and examine whether he is suitable*



W.A. No.2400 of 2023

for appointment to the post". Therefore, the 1st respondent cannot be faulted in refusing to entertain the belated representation made by the appellant.

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9. The above said order passed by the Writ Court is a well reasoned order based on the legal principles. It is an admitted fact that the date of termination order is 18.11.1996 and the appellant filed revision and the same was dismissed. Thereafter, no any challenge as against the termination order. The said revision was rejected on 17.03.1999. In the meantime, in the criminal case, the appellant was acquitted and thereafter, again he made representation on 24.10.2002 and the same was also rejected through an order dated 09.01.2003. The said order was not challenged by the appellant. Again he made representation dated 24.07.2021 to the 1st respondent and the same was also rejected through an order dated 12.03.2022, which is impugned in the Writ petition.

10. The appellant has not approached this Court immediately after the termination order passed against him and there is an inordinate delay in approaching this Court. Therefore, the Writ Court passed a reasoned order and it does not warrant any interference with the order of the Writ Court. Therefore, this Writ appeal has no merits and deserves to be dismissed.

11. With the above observations, this Writ Appeal is dismissed. There



W.A. No.2400 of 2025

shall be no order as to costs.

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(R.S.K.J.) & (P.D.B.J)

18.08.2025

Index : Yes/No

Speaking order/non-speaking order

mjs

R. SURESH KUMAR,J

and

P.DHANABAL,J

mjs

To

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W.A. No.2400 of 2025



WEB COPY



W.A. No.2400 of 2025

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