



WEB COPY

WP No. 26320 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

CORAM

THE HONOURABLE MR. JUSTICE K. SURENDER

WP No. 26320 of 2018

1. P. Raman (deceased)

2.R.Seetha

3.R.Saranya

4.Lavanya

Petitioner(s)

(P2 to P4 are substituted as legal heirs of deceased P1, per order dated 29.11.2024 in WMP.No.21395/2024 in WP.No.26320/2018.)

Vs

1. The Union of India

Rep. by its Secretary to Government,
Ministry of Home Affairs, New Delhi

2.The Assistant Inspector General
Office of the Director General, Central
Industries Security Force,
CGO Complex, Lodhi Road, New
Delhi- 110 003.

3.The Inspector General/ SWS
Central Industries Security Force,
CAMP AT NISA, Hyderabad.

4.The Deputy Inspector General
South Zone, Central Industrial Security
Force, Rajaji Bhawan, D- Wing, Besant
Nagar, Chennai- 600 090

5.The Senior Commandant
Central Industrial Security Force unit,



Chennai Port Trust, Chennai- 600 001

Respondent(s)

WEB PRAYER

This Writ Petition is filed under Article 226 of Constitution of India to call for the records relating to the order passed by the 2nd respondent in his order No.V-11014/1(17)/2018/L and R 717 dated 20.06.2018 confirming the order of the 3rd respondent in his Order No.V-11014/67/SZ/LC/SWS/04/26, Dated 4/5, January 2005 confirming the order of the 4th respondent in his Appellate Order No.V- 11014/13/2004/ L and R/(SZ)/2392, Dated 31.03.2004 and confirming the order passed by the 5th respondent in his final order No.V-15014/Estt.I/PR/ChPT/2003/1538, dated 16.02.2004 and quash the same.

For Petitioner(s): M/s.A.S.Mujibur Rahman

For Respondent(s): Mr. K.R.Samratt, SPC for R1 To R5

ORDER

This Writ Petition has been filed by the petitioner, challenging the order of dismissal and consequential orders passed by the appellate and revisional authorities and rejection of mercy petition.

2. The brief facts of the case are that the petitioner joined service as a Barber in the Central Industrial Security Force on 28.04.1991. A complaint dated 18.02.2003 was lodged by one Mrs.T.Ramani alleging that the petitioner had received money on the promise of securing employment in the CISF. Based on the said complaint, a charge memo under Rule 36 was issued on 11.10.2003 by the fifth respondent. An Enquiry Officer was appointed on 30.10.2003 and pursuant to the departmental enquiry, a report was submitted holding the charges proved. Accepting the findings of the Enquiry Officer, the 5th

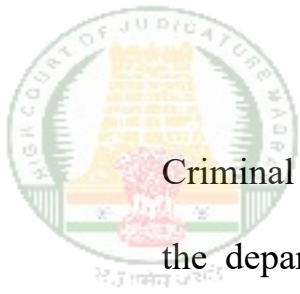


respondent by an order dated 16.12.2004, imposed the punishment of dismissal from service. Challenging the said order the petitioner preferred an appeal before the 4th respondent on 12.03.2004 and the same was rejected on 21.04.2004. Thereafter, a revision petition was filed before the 3rd respondent on 20.09.2004, which was also rejected on 05.01.2005. Subsequently, the criminal case initiated on the basis of the very same complaint, which ended in acquittal by an order dated 04.08.2017. In view of the acquittal, the petitioner submitted a mercy petition before the 2nd respondent, however, the same was rejected on 20.06.2018. Hence, the present Writ Petition.

3. It is brought to the notice of this Court that the petitioner died pending proceedings and the legal heirs of the deceased petitioner were subsequently brought on record.

4. The learned counsel for the petitioner submitted that the deceased petitioner had earlier filed W.P.No.1410 of 2018 seeking the very same relief as sought for in the present Writ Petition and the same was withdrawn on 24.10.2018 and while withdrawing the earlier Writ Petition, no liberty was sought to file a fresh petition on the very same cause of action.

5. The only ground now urged by the petitioner for maintaining the present Writ Petition is that the deceased petitioner was acquitted of the



Criminal charges leveled against him and therefore the dismissal order passed in the departmental proceedings is liable to be interfered with. A copy of the judgment of acquittal dated 04.08.2017 passed by the Criminal Court has been produced. However, it is seen that the earlier Writ Petition was withdrawn on 24.01.2018, ie., nearly four months after the acquittal of the deceased petitioner and liberty was not sought to institute a fresh petition.

6. Further the contention of the petitioner that evidence adduced in the departmental enquiry does not establish the complicity of the petitioner and that the acquittal in the criminal case would enure to the benefits of the petitioner, cannot be accepted in the present facts of the case. In the absence of liberty having been sought while withdrawing the earlier Writ Petition, on the same cause of action, the present Writ Petition is not maintainable and deserves to be dismissed.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

K.SURENDER J.
12-11-2025

jai
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



To

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