



WEB COPY

W.P. No. 8279 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 8279 of 2026

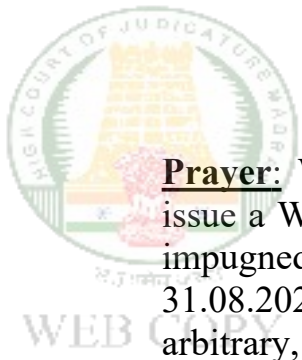
R.Karunakaran
S/o.Ramachandran,
8, Chinnasamy New Street,
Ramnad, Tamilnadu,
Pincode No.623 501

..Petitioner

Vs

1. The Union of India
Rep. by Secretary,
Ministry of Home Affairs,
Government of India, North Block,
Central Secretariat, New Delhi-110 001.
2. The Director General of Police
Directorate General CRPF, CGO Complex
Lodhi Road, New Delhi-110 003.
3. The Additional Director General of Police
Office of the Special, DG, South Zone,
CRPF Hyderabad, Telangana-500 005.
4. The Inspector General of Police
Southern Sector CRPF Road No.10C,
Jubilee Hills, Near MLA/MPs Colony,
Gayathri Hills, Hyderabad 500 033.
5. The Deputy Inspector General of Police
Range HQ CRPF, Yelahanka,
Bangalore 560 064.
6. The Commandant, 77 Bn, CRPF,
Karaianchavadi, Poonamalee, Chennai-600 056.

..Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in Order No.R.XIII-11/ 2023-SZ- CRV-I dated 31.08.2023 passed by the 3rd respondent and quash the same as illegal, arbitrary, non-speaking and contrary to the directions issued by this Honble Court, consequently direct the respondents to grant compassionate Allowance to the petitioner under Rule 41 of the CCS (Pension) Rules, 1972 (now Rule 39 of the CCS (Pension) Rules, 2021) by duly considering the petitioner's long-standing psychiatric illness, medical incapacity and special circumstances in a humane and judicious manner; In the alternative, direct the respondents to reconsider the petitioner's claim for compassionate allowance and /or medical invalidation afresh by a higher and independent authority, strictly in compliance with the binding directions of this Honourable Court and the law laid down by the Honourable Supreme Court, pending disposal of this writ petition, direct the respondents to provisionally consider and sanction compassionate allowance to the petitioner, subject to the result of the writ petition, in order to alleviate continuing hardship and deprivation of livelihood.

For Petitioner:

Mr.G.S.Mani

For Respondents:
(R1 to R6)

Mr.V.Ashok Kumar
Senior Panel Counsel

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ORDER

The present Writ Petition has been filed for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in Order No.R.XIII-11/ 2023-SZ- CRV-I dated 31.08.2023 passed by the 3rd respondent and quash the same as illegal, arbitrary, non-speaking and contrary to the directions issued by this Honble Court, consequently direct the respondents to grant compassionate Allowance to the petitioner under Rule 41 of the CCS (Pension) Rules, 1972 (now Rule 39 of the CCS (Pension) Rules, 2021) by duly considering the petitioner's long-standing psychiatric illness,



medical incapacity and special circumstances in a humane and judicious manner; In the alternative, direct the respondents to reconsider the petitioner's claim for compassionate allowance and /or medical invalidation afresh by a higher and independent authority, strictly in compliance with the binding directions of this Honourable Court and the law laid down by the Honourable Supreme Court, pending disposal of this writ petition, direct the respondents to provisionally consider and sanction compassionate allowance to the petitioner, subject to the result of the writ petition, in order to alleviate continuing hardship and deprivation of livelihood.

2. The brief facts, which have resulted in the filing of the present Writ Petition as set out in the Writ Petition, are as follows:-

2.1. The petitioner, an Ex-Constable (GD) of the CRPF, was dismissed from service on 25.02.2002 after being declared a deserter with effect from 07.06.2001. It is the case of the petitioner that during the relevant period, he was suffering from a severe psychiatric illness (Paranoid Psychosis) and was undergoing continuous treatment in various Government and private psychiatric hospitals, including the Base Hospital CRPF (Hyderabad), Government Medical College (Coimbatore), Institute of Psychiatry (Madurai), and Sundaram Medical Foundation (Chennai).



2.2. On account of his deteriorating mental state, the petitioner was unable to rejoin duty or effectively participate in the departmental enquiry. The petitioner submits that the said enquiry was conducted ex parte without due consideration of his medical records, thereby violating the principles of natural justice, as he was not heard.

3. The petitioner further submits that he had submitted several representations to the respondents and ultimately, filed W.P.No. 39326 of 2016 before this Court. This Court, by its orders dated 29.03.2023 and 08.06.2023 directed the respondents to consider the petitioner's representation and pass appropriate orders.

4. The grievance of the petitioner is that the third respondent subsequently passed the impugned order in a mechanical manner, without any independent application of mind. Aggrieved by the same, the petitioner has filed the present Writ Petition.

5. Heard the learned counsel for the petitioner and the learned Senior Panel Counsel for the respondents.



6. A perusal of the records indicates that the petitioner was terminated from service on 23.05.2002 after a departmental enquiry was initiated and an order of dismissal from service was issued. The petitioner was treated as a deserter since there was no valid explanation given for his absence from 07.06.2001 till the date of dismissal from service namely, 23.05.2002. The record further shows that the petitioner accepted the order of dismissal as he had not challenged it initially. However, after a lapse of nearly 12 years, his wife submitted a representation dated 01.08.2014 to the Director General of Police, Directorate General, CRPF, New Delhi, praying for invalidation pension. This was rejected on 03.02.2015 as there was no provision to convert a dismissal into medical invalidation merely for getting invalidation pension. Aggrieved by the said order, the petitioner had preferred an appeal before the DIGP, Range HQr, CRPF, Bangalore, with a prayer to reinstate him into service and process his case for invalidation and the same was rejected by order dated 20.07.2015, against which, the petitioner had preferred a revision petition before the Inspector General of Police, Southern Sector, CRPF, Hyderabad, on 03.09.2015. The Inspector General of Police had also rejected the said request of the petitioner, by order dated 08.03.2016.

7. Challenging the same, the petitioner appears to have filed W.P.No.39326 of 2016. This Court, taking note of the fact that the representation had been given on 03.04.2023, directed that the said



representation be considered, as it was the argument of the petitioner that once the decision is taken, he could take further legal assistance. In compliance of the said order, the impugned order came to be passed on 14.06.2023.

8. From a perusal of the documents and the affidavit filed in support of this writ petition, it is seen that the petitioner was given a personal hearing where no new material in support of his request/contention was submitted. The petitioner through the representation is seeking to reverse an order of dismissal passed as early as on 23.05.2002, which he had accepted and kept quiet for over 12 years. Even the application which has been filed by the wife was only to convert punishment from one of dismissal from service into grant of invalidation pension to her husband. The challenge to the original order is clearly barred by laches. I do not see any reason to interfere with the order passed by the third respondent. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

05-03-2026

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

Asi



To

WEB COPY

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P.T.ASHA J.

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