
(2002) 11 MAD CK 0060
In the Madras High Court
Case No : Writ Petition No. 15032 of 1999

A. Stella

APPELLANT

Vs

The Commandant, CISF SHAR Centre and The Deputy
Inspector General, CISF (SZ)

RESPONDENT

Date of Decision : 15-11-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 11 MAD CK 0060

Hon'ble Judges : P.K. Misra, J

Bench : Single Bench

Advocate : G. Krishnamurthy, for the Appellant; S. Udayakumar, A.C.G.S.C., for the Respondent

Final Decision : Allowed

Judgement

P.K. Misra, J.—The petitioner in this writ petition prays for the issuance of a writ of certiorarified mandamus to call for the records dated

12.04.1999 and 30.07.1999 on the file of the first and second respondents and to quash the same.

2. Heard the learned counsels appearing for the parties.

3. The petitioner was appointed in the CISF as a Water Carrier, Group-D, under compassionate ground, as her husband, who was working in the

CISF had expired while in service. Subsequently, on account of the absence of the petitioner, without any prior intimation and without any leave

application, charge memo was issued. The petitioner was also not appeared for the departmental enquiry conducted by the Department.

Ultimately, an order of termination has been passed. After the appeal filed by the petitioner was rejected, the present writ petition has been filed.

4. In the appeal grounds as well as in the writ petition, it has been stated that the petitioner who was a helpless widow was required to look after her minor son and mentally retarded daughter and for the aforesaid reasons, she had to remain absent due to circumstances beyond her control and she could not apply for regular leave at that stage.
5. The learned counsel appearing for the petitioner had submitted that since the petitioner had been terminated from service, she is without any means of livelihood, hence a sympathetic view may be taken in the matter.
6. When the matter was heard on the earlier occasion, the learned counsel appearing for the respondents was requested to obtain instruction from the CISF regarding the possibility of reinstating the petitioner in service without any back wages.
7. The learned counsel appearing for respondents, today, on instruction, has submitted that the CISF is willing to take back the petitioner in service but the petitioner should not claim any back wages for the previous period. The counsel also submitted that some minor punishment may be imposed.
8. Having regard to the facts and circumstances of the case and particularly keeping in view that the earlier appointment of the petitioner was on sympathetic ground, I am inclined to quash the order of termination and direct that the petitioner should be reinstated in service without any back wages and the petitioner is censured for the unauthorised absence. The period of absence shall be treated as "dies-non". The petitioner should join at the previous post within a period of two weeks from today. Thereafter, if any application is made regarding transfer on account of personal problems by the petitioner, the said application may be sympathetically considered by the concerned authorities.
9. The writ petition is allowed subject to the above observations. I place on record my appreciation for the sympathetic attitude shown by the respondents and their counsel. No costs.