

Office of the Addl. Director General Airport Sector
Central Industrial Security Force
(Ministry of Home Affairs)

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New Delhi-110 003

Dated: 21, December 2016

No. V-14011/APS/POLICY/LC/2012 - 11544

To,

1. DIG/AP (NZ), New Delhi
2. DIG/AP (WZ), Mumbai.
3. DIG/AP (E&NE), Kolkata.
4. DIG/AP (SZ), Chennai.
5. DIG/Security, GBS New Delhi.
6. DIG/SSG, Greater Noida, (U.P).
7. DIG, CISF Unit IGI Airport New Delhi.
8. DIG/ASG Mumbai

SUB: Raising of preliminary objection on the ground of doctrine of latches while filing reply against WP: Reg.

Recently a case has come to the notice of FHQ., wherein a person was dealt under Rule 34 of CISF Rules 1969 (Now Rule 36 of CISF Rules 2001) and finally, he was awarded a penalty of "Removal from service" during the year 1992.

2 The appeal petition preferred by the individual was considered and rejected by the Appellate Authority being devoid of merit.

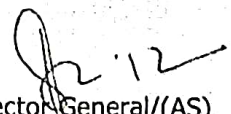
3. Without exhausting the departmental remedy by way of filing revision petition, the individual had filed WP before the High Court challenging the order of removal from service after lapse of nearly 21 years from the date of awarding the said penalty.

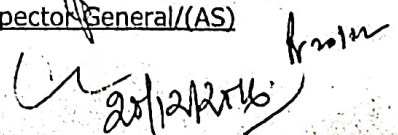
4. It is pertinent to mention that pairvi unit/LO concerned had filed Counter Affidavit against WP in which the point of territorial jurisdiction was raised on the preliminary objection to get the case dismissed in limine. But, the point for dismissal of the WP filed by the individual on the ground of unusual, unjustified and inordinate delay of more than 21 years was not raised in the preliminary objection. Owing to the said lapses on the part of LO unit, the Hon'ble court heard the matter on merit and passed directions to the respondents to consider the case of the individual.

5. In this regard, it is intimated that FHQ., has issued exhaustive instructions from time to time as well in CISF Discipline & Appeal Manual for raising preliminary objection on various points including doctrine of latches also. But LO unit as well as pairvi unit have not followed these guidelines issued in CISF Discipline & Appeal Manual resulting the case was heard by the Hon'ble court on merit in favour of the individual. Had the above preliminary objection on latches was mentioned in the C A, the instant litigation could have been dismissed at admission stage.

6. In view of the above, it is emphasized that in all the cases where the preliminary objection relating to territorial jurisdiction, party to proceedings, alternative remedy, doctrine of latches and suppression of facts etc. are required to be mentioned in CA against WP, it is the prime responsibility of Zonal/Unit DIsG, concerned Commandant, LO and pairvi units to make a mention of the above objections categorically so that the WPs may be got dismissed at admission stage to reduce litigation.

7. It is therefore, requested to issue instructions to all CISF units under your jurisdiction for strict compliance of these guideline please.


Dy. Inspector General (AS)


20/12/2016