

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.17477 of 2015

S.K.Ganesan

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Petitioner

vs

- 1.The Home Secretary
Secretariat, Chennai 600 009
- 2.The Director General of Police
Kamaraj Salai, Chennai 600 004
- 3.The Superintendent of Police
Thirunelveli District

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to fix the seniority level at Sub Inspector as per G.O.No.1663, Home (Police XI), G.O.Ms.No.844, Home Department, dated 3.6.1997 and G.O.Ms.No.15, Home Department, dated 7.1.2010, and give promotion to the petitioner including all benefits.

For Petitioner : Mr.G.Suresh

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he joined the Tamil Nadu Police service as a Police Constable on 12.1.1976, and from the year 2000, was working as a Grade-I Police Constable in Economic Offence Wing at Tirunelveli. It is further stated by the petitioner that when he was on duty on 25.2.2000, he was afflicted with paralysis on the left side of his body and therefore, he was admitted in the hospital and took treatment and consequently, was not in a position to join duty and while so, he was issued with a charge memo by the third respondent for desertion and later on, he was awarded the punishment of reduction in pay by two stages without cumulative effect, with effect from 22.11.1999, and was also imposed with a punishment of compulsory retirement on 31.1.2001, and he was not even paid salary for the period between 25.2.2000 and 31.1.2001.

3.It is the claim of the petitioner that as per G.O.Ms.No.844, Home (Police.V) Department, dated 3.6.1997, he is entitled to all the benefits and in this regard, he has submitted a representation dated 4.4.2015, and since no orders have been passed, came forward to file this writ petition.

4.The learned Counsel appearing for the petitioner, would submit that apart from G.O.Ms.No.844, Home (Police.V) Department, dated 3.6.1997, two other Government Orders in G.O.Ms.No.1055, Home (Police.III) Department, dated 1.11.2006, as well as G.O.Ms.No.15, Home (Police.V) Department, dated 7.1.2010, would also come to the petitioner's aid and hence, prays for appropriate orders.

5.Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of the respondents, would contend that the petitioner has waited for quite a long time and is now making a stale claim and hence, prays for dismissal of this writ petition.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, permits the petitioner to submit one more representation to the respondents 1 and 2 by enclosing a copy of this order as well as a copy of his earlier representation dated 4.4.2015, within a period of two weeks from the dater of receipt of a copy of this order and the respondents 1 and 2 on receipt of the same, are directed to consider it on merits and in accordance with law, and pass orders thereon within a period of six weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

nsv

To:

- 1.The Secretary to Govt. Home Department,
Secretariat, Chennai 600 009
- 2.The Director General of Police
Kamaraj Salai, Chennai 600 004
- 3.The Superintendent of Police
Thirunelveli District

+1 cc to Mr.G.Suresh, Advocate, sr.42162
+1 cc to The Government Pleader, sr.42059.