



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.16095 of 2015

M.Dharmar

: Petitioner

vs.

The Director General of Police
O/o.Director General of Police,
Chennai - 4.

: Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the revision petition, dated 22.01.2015, which is pending before the respondent herein within the stipulated time fixed by this Court.

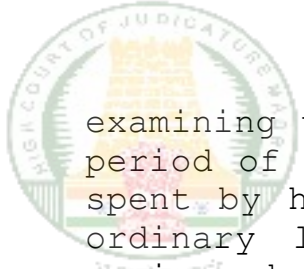
For Petitioner : Mr.RM.Arun Swaminathan
For Respondent : Ms.S.Bharathi
Govt.Advocate

ORDER

This Writ Petition has been filed by A.Thiagaraj, seeking a Writ of Mandamus, directing the respondent to consider the revision petition filed by the petitioner, dated 22.01.2015, within the stipulated time to be fixed by this Court.

2. The petitioner was appointed as Police Constable on 05.08.1982 and he has been promoted as Grade-I Constable on 25.07.1995 and further promoted as Head Constable on 25.07.2000 and thereafter, he was promoted as Special Sub- Inspector of Police on 01.08.2010. Subsequently, he was subjected to departmental proceedings initiated under Rule 3(a) of the Tamil Nadu Police Subordinate (Disciplinary and Appeal) Rule, 1995. Based on the report of the Deputy Superintendent of Police, the District Superintendent of Police has imposed a Black Mark in his proceedings bearing Na.Ka.No.F4/Ta.Pa.158/2012. As against that, the petitioner has preferred an appeal before the appellate authority viz., the Deputy Inspector General of Police, Madurai Zone, on 26.05.2013, who in turn modified the earlier order of Black Mark deferred for three months. In the meanwhile, the petitioner retired from service on 30.04.2014. In these backgrounds, the grievance of the petitioner is that the Earned Leave of 111 days has been calculated as 'Loss of Pay'.

3. This has been disputed by the learned Government Advocate appearing for the respondent by placing on record an order passed by the Deputy Superintendent of Police, Madurai District, on 09.04.2014. Learned Government Advocate would also submit that the Deputy Superintendent of Police, Madurai District, after



examining the request of the petitioner with relevant records, the period of suspension from 22.08.2012 to 11.12.2012 viz., 111 days spent by him has been settled as eligible leave including extra-ordinary leave to the extent necessary as per the provisions envisaged in FR 54(B). In this regard, it is relevant to extract paragraphs 3 to 6 of the order dated 09.04.2014, which reads as follows:-

"3. Now, he has submitted a petition requesting to settle the period of suspension for the period from 22.08.2012 A.N., to 11.12.2012 A.N., - 111 days spent by him as to be settled as duty.

4. The request of the petitioner has been examined in detail with all relevant records. Inasmuch as he has been awarded with a specific punishment, the period of suspension from 22.08.2012 A.N., to 11.12.2012 A.N., - 111 days spent by him is ordered to be settled as eligible leave including extra-ordinary leave to the extent necessary as per the provisions envisaged in F.R.54 (B).

5. Hence, his suspension period is settled as follows:-

22.08.2012 A.N., to 11.12.2012 A.N., - 111 days EL(P)

Date of report on 11.12.2012 A.N.

6. The arrears of pay and allowances will be drawn and paid to him separately."

4. In view of the above, no more direction is required and therefore, the prayer sought for in this writ petition cannot be considered, as it has become infructuous. Hence, the Writ Petition is dismissed. No costs.

sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Director General of Police
O/o. Director General of Police,
Chennai - 4.

+ 1 CC TO MR.SO.PARAMASIVAM, ADVOCATE IN SR NO. 52354

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 52099