

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P.No.17765 of 2016
& WMP.Nos.15446 & 15447 of 2016

P.Dhakshinamurthy

... Petitioner

v.

- 1 The Deputy Commissioner of Police
Armed Reserve, 36th Platoon(F) COI
Chennai
- 2 The Director General of Police
Chennai City Police Directorate, Chennai-4
- 3 The State of Tamilnadu
Rep. by The Secretary to Government,
Home (Police) Department, Secretariat, Chennai-9
- 4 Estate Officer/Additional
Deputy Commissioner of Police Estate
Welfare & Community Policing
Greater Chennai Police
Chennai-7.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the respondents 1 2 & 4 in their proceedings in Tha.Ko.En.22/tha.b.3(2).2014 dated 23.06.2014 and Rc.No. 132739/AP.3(2)/2014 dated 27.05.15 and the Eviction order issued in Form-A issued under Rule 3 of the Tamilnadu Public Premises (Eviction of Unauthorised Occupants) Rules 1978 respectively and quash the same and direct the respondents to reinstate the petitioner in the post of Grade I Police Constable with all monetary and service benefits.

For Petitioner

: Mr.R.Singaravelan, SC
for Ms.M.Srividhya

For Respondents

: Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

The Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondents 1, 2 & 4 in their proceedings in Tha.Ko.En.22/tha.b.3(2).2014, dated 23.06.2014 and Rc.No. 132739/AP.3(2)/2014, dated 27.05.15 and the Eviction order issued in Form-A issued under Rule 3 of the Tamilnadu Public Premises (Eviction of Unauthorised Occupants) Rules 1978 respectively and quash the same and direct the respondents to reinstate the petitioner in the post of Grade I Police Constable with all monetary and service benefits.

2. The case of the petitioner is that he was appointed as Grade II Police constable in the year 1997 and subsequently, promoted as Grade I Police Constable in the year 2011. Due to serious health condition of his son viz., D.Harikrishna, aged about 10 years, for the past 8 years from his childhood, he was not able to attend the office without taking leave and hence, his leave was treated as mis-conduct and he was awarded with punishments ended with suspension from service. Against the order of suspension, the petitioner preferred a writ petition before this Court in W.P.No.16216 of 2015 and a mercy petition on 08.08.2014. However, the appellant authority had also confirmed the order of suspension. Since the suspension order was confirmed, the petitioner was issued with the eviction order from the police quarters. Challenging the orders of suspension, confirmation and eviction, the petitioner has filed the above writ petition.

3. Heard Mr.R.Singaravalan, learned Senior Counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents.

4. Though the prayer in the writ petition is for the larger relief, the learned senior counsel appearing for the petitioner confined his argument to the limited extent, directing the second respondent to dispose of the appeal filed by the petitioner within a time frame and till disposal of the said appeal, the petitioner may not be evicted from his place.

5. Considering the submission of the learned Senior Counsel for the petitioner, without going into the merits of the case, I direct the second respondent to dispose of the appeal filed by the petitioner and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. In the mean time, the respondents are directed not to disturb the possession of the petitioner.

With the above direction, this writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

smi

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

- 1 The Deputy Commissioner of Police
Armed Reserve, 36th Platoon(F) COI
Chennai
 - 2 The Director General of Police
Chennai City Police Directorate, Chennai-4
 - 3 The Secretary to Government,
Home (Police) Department,
Secretariat, Chennai-9
 - 4 The Estate Officer/Additional
Deputy Commissioner of Police
Estate Welfare & Community Policing
Greater Chennai Police
Chennai-7.
- +1cc to M/S.M.Srividhya, Advocate Sr.28683 [27/05/2016]

ug(co)
prk20/5

W.P.No.17765 of 2016
& WMP.Nos.15446 & 15447 of 2016

सत्यमेव जयते

WEB COPY