

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31186 of 2016

S.Santhakumar

... Petitioner

vs.

Director General of Police,
Law & Order,
Chennai-600 004.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondent to consider and pass orders on merits and in accordance with law on the petitioner's representation dated 05.03.2016 with regard to retrospective regularization with seniority in the light of FR.54, Ruling 9, within a time-frame as deem fit and proper by this Court.

For Petitioner : M/s. G.Bala and Daisy

For Respondent : Mr.R.Venkatesh
Government Advocate

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider and pass orders on merits and in accordance with law on the petitioner's representation dated 05.03.2016 with regard to retrospective regularization with seniority in the light of FR.54, Ruling 9.

3. It is the case of the petitioner that the petitioner joined the Police Services as Grade II Police Constable on 15.04.1997 and reappointed on 10.12.2003. He has promoted as Havildhar in 2009. He has rendered more than 14 years of loyal service to the department. On 15.7.1997, he was placed under suspension for having involved in a criminal case and subsequently, on 31.08.1998 he was removed from service by the Commandant, TSP I Battalion, Trichy. On 25.01.1999, the criminal case registered against him ended in acquittal. Aggrieved by the order of removal from service, he filed O.A.No.7734 of 1998 before the Tamil Nadu Administrative Tribunal. After hearing both sides, the Tribunal passed a final order allowing the original application directing the respondents therein to issue re-appointment order without back-wages.

4. Though the order was passed as early as on 06.06.2000, the department had not taken any steps to implement the order. Thereafter, five recruitments to the post of Grade II Police Constables had taken place and appointment orders were issued on 28.06.2000, 27.11.2000, 1.08.2001, 1.03.2002 and 3.03.2003. Finally, on 10.12.2003, the petitioner was issued with an appointment order as if he had participated for selection for the year 2001-2002 and 2002-2003. But the fact remains that he had attended the selection only for the year 1997. It is the further contention of the petitioner that he should be appointed on par with the batch of appointment orders issued on 28.06.2000 or otherwise 27.11.2000. Now, due to the delay in reinstatement, the petitioner has been placed below several thousand police personnel and stating all the above reasons, he had preferred a representation to the respondent on 5.03.2015 with a request for retrospective regularization and the same was not considered. Hence, he has come up with the present writ petition.

5. Considering the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate, this Court is inclined to pass the following order:

Writ petition is disposed of granting liberty to the petitioner to make fresh representation before the respondent along with the copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent shall consider and pass orders on the petitioner's fresh representation with regard to retrospective regularization with seniority in the light of FR.54, Ruling 9, within a period of eight weeks from the date of receipt of the representation.

It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to consider the claim of the petitioner strictly on merits and in accordance with law. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

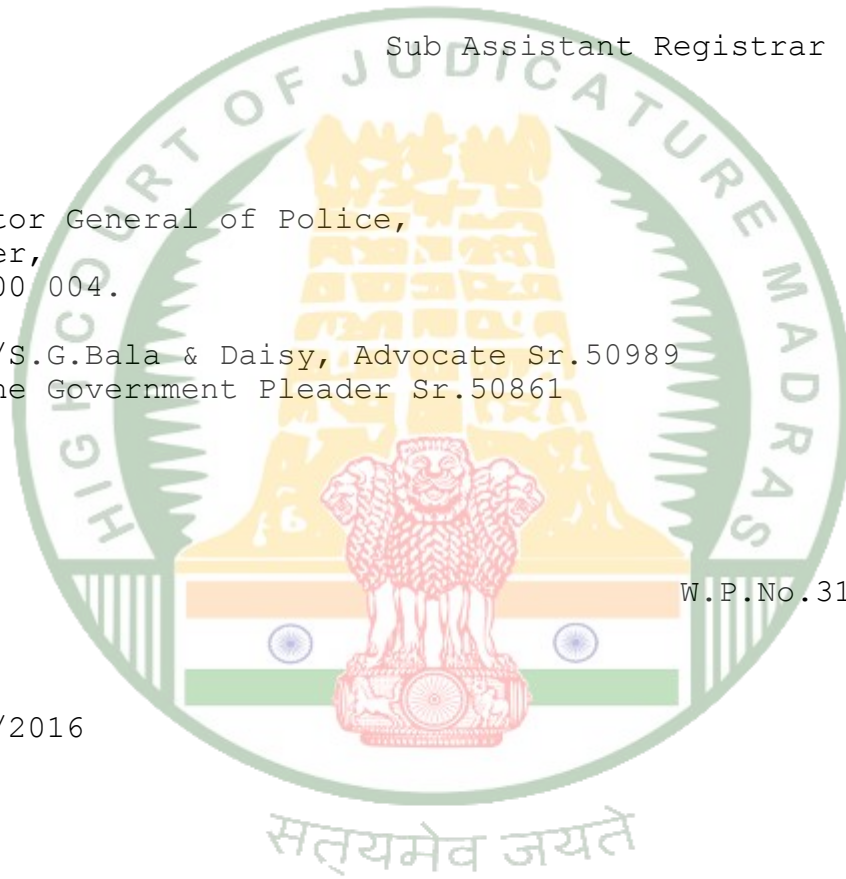
To

The Director General of Police,
Law & Order,
Chennai-600 004.

+1cc to M/S.G.Bala & Daisy, Advocate Sr.50989
+1cc to the Government Pleader Sr.50861

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