

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.32244 of 2016

P.S.Selvam

.. Petitioner

vs.

- 1.Government of Tamil Nadu
Represented by Secretary to Government,
Home (Police Department)
Secretariat,
Chennai-600 004.
- 2.The Director General of Police,
Tamil Nadu,
Chennai-600 004.
- 3.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai-600 007.
- 4.The Joint Commissioner of Police,
Western Zone, Greater Chennai City Police,
Ambattur Industrial Estate,
Chennai-600 058.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to consider the representation of the petitioner dated 15.09.2015 regarding grant of fixation of pay as per G.O.Ms.No.234, Finance (PC) Department dated 01.06.2009, award of selection grade in the Post of Head Constable Upgradation as Special Sub Inspector of Police and to sanction of a sum not exceeding S.G. for the period of out of employment from 16.09.1988 to 16.12.2006 as sanctioned to Balasubramanian, P.C.7466.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.C.Jagadish,
Special Government Pleader

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the third respondent to consider the representation of the petitioner dated 15.09.2015 regarding grant of

fixation of pay as per G.O.Ms.No.234, Finance (PC) Department dated 01.06.2009, award of selection grade in the post of Head Constable, upgradation as Special Sub Inspector of Police and to sanction of a sum not exceeding S.G. for the period of Out of employment from 16.09.1988 to 16.12.2006 as sanctioned to Balasubramanian P.C.7466.

2. The petitioner was initially appointed as Police Constable, Grade II and joined service in May 1991 and serving in the Chennai City Armed Reserve Unit, Greater Chennai City Police and while he was serving as Police Constable, disciplinary proceedings was initiated under Rule 3(b) of the Tamilnadu Police Subordinate Service (Discipline and Appeal) Rules which culminated into imposing the penalty of dismissal from service. The petitioner's absence from 19.05.1987 to 15.09.1988 was regularized as leave without pay and his appeal was also dismissed by the Commissioner of Police, Chennai City Police, vide proceedings dated 27.09.1994 and his review petition dated 11.10.1994 to the Additional Director General of Police, Law and Order, Chennai was partly allowed and the punishment of dismissal from service was modified into one of Reduction of Pay by two stages for two years without cumulative effect, vide order dated 11.01.1995. The Commissioner of Police issued a consequential order dated 15.02.1995 directing him to report to duty before the Inspector of Police, D7, Law and Order, Chennai and obtain posting order and the petitioner joined duty on 16.02.1995. While so, the petitioner was served with an order by the Director General of Police dated 12.08.1995 rejecting the review petition filed by the petitioner and however, the said order was issued without any notice and challenging the same, the petitioner filed O.A.No.308 of 2004 before the Tamil Nadu Administrative Tribunal and after abolition of Tribunal, it was transferred and renumbered before this Court as W.P.No.32452 of 2005 and this Court, vide order dated 02.02.2006, directed the first respondent to dispose of the petitioner's appeal dated 10.12.1999. Subsequently, the first respondent issued G.O.(2D).No.617, Home (Police V) Department dated 19.10.2006 modifying the punishment of dismissal from service into one of reduction of pay by two stages without cumulative effect and thereafter he was reinstated into service and joined duty on 17.12.2006. The grievance expressed by the petitioner is that his absence from 19.05.1987 to 15.09.1988 was already settled but the period of out of employment from 16.09.1988 to 16.12.2006 was not settled and consequential pay fixation as per G.O.Ms.No.234, Finance Department dated 01.06.2009 and other benefits were not sanctioned. The petitioner, in this regard, sent a representation dated 21.02.2014 to the third respondent and since it was not considered, came forward to file this writ petition.

3. Heard the submissions of learned counsel appearing for the petitioner, Mr.C.Jagdish, learned Special Government Pleader appearing for the respondents and also perused the materials placed before it.

4. This Court, without going into the merits of the petitioner's representation, directs the petitioner to submit fresh representation along with a copy of this order to the third respondent within a period of two weeks from the date of receipt of a copy of this order and the

third respondent, on receipt of the same, shall consider and dispose of the same on merits and pass orders in accordance with law within a period of six weeks thereafter.

5. This Writ Petition is disposed of accordingly. No costs.

jvm

Sd/-

Assistant Registrar (CS)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu
Home (Police Department)
Secretariat, Chennai-600 004.

2.The Director General of Police,
Tamil Nadu,
Chennai-600 007.

3.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai-600 007.

4.The Joint Commissioner of Police,
Western Zone, Greater Chennai City Police,
Ambattur Industrial Estate,
Chennai-600 058.

+1CC to MR.J.MUTHUKUMARAN Advocate SR.NO.52878

+1CC to GOVT PLEADER Advocate SR.NO.53499

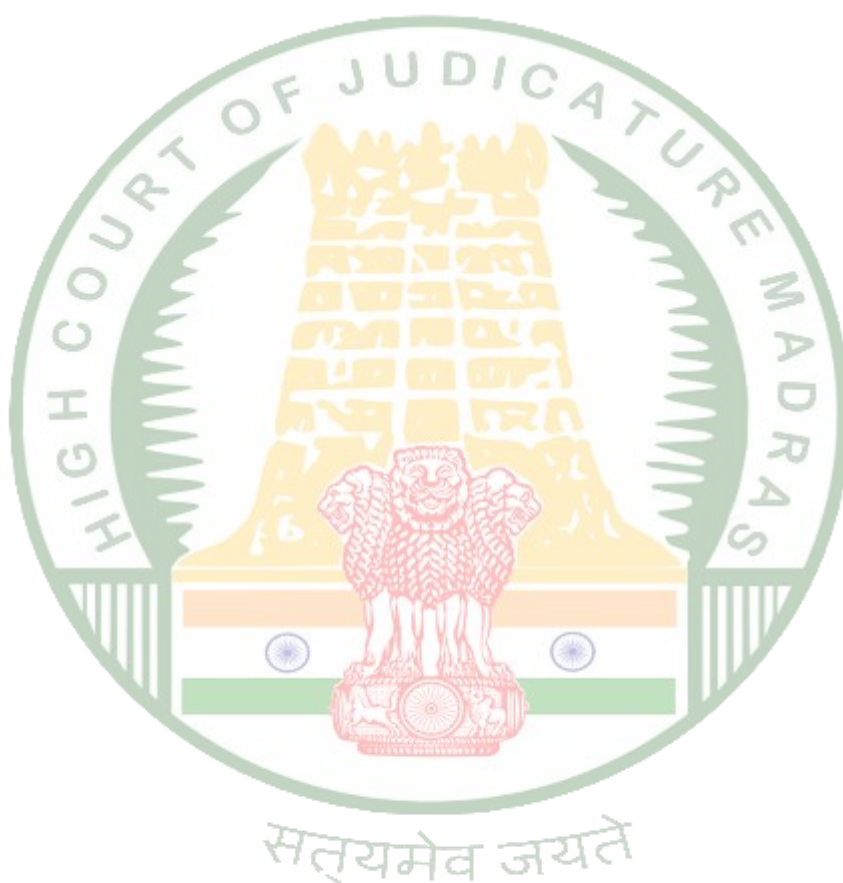
W.P.No.32244 of 2016

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