

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.329 of 2016

T.R.Balamurugan

... Petitioner

Vs.

The Director General of Police
Chennai-4.

2.The Superintendent of Police
Nagapattinam, Nagapattinam District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the first respondent to consider and pass appropriate orders on the appeal made by the petitioner dated 26.10.2015 in the light of the FR.54 Clause (9) with respect to regularising the period of dismissal from service of the petitioner i.e., from 13.04.2012 to 08.01.2015 and to pay the backwages for that period with all consequent benefits.

For Petitioner : Mr.S.Vijayan

For Respondents : M/s.M.L.Mahendran, GA.

O R D E R

With the consent of both sides, the writ petition is taken up for final disposal.

2.The case of the petitioner is that he was appointed as Data Entry Operator in the Police department under compassionate ground on 10.08.2005. Subsequently, the petitioner was dismissed by the second respondent vide D.O.No.519 of 2012 C.No.K1/7013/2012 dated 21.05.2012 on the sole ground that he was involved in a criminal case. The Judicial Magistrate No.II, Myiladuthurai in CC.No.122 of 2014 acquitted the petitioner by his judgment dated 05.05.2014 and thereafter he made a representation to the first respondent on 08.08.2014, to reinstate him into service with continuity of service.

3.The second respondent passed an order dated 09.01.2015 to reinstate him into service and passed an proceedings dated 15.09.2015 in Na.Ka.No.K1/16143/2015 rejecting the representation dated 02.09.2015 for regularising the period of

dismissal from service and backwages. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent dated 26.10.2015. Since, no order has been passed, the petitioner filed the present writ petition.

4.Heard the submissions of Mr.S.Vijayan, learned counsel appearing for the petitioner and M/s.M.L.Mahendran, Government Advocate who accepts notice on behalf of the respondents.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to dispose of the appeal filed by the petitioner dated 26.10.2015 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 and communicate the decision taken to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(J)
dt:27/01/2016

True Copy

Sub-Assistant Registrar

tsh
To

The Director General of Police
Chennai-4.

2.The Superintendent of Police
Nagapattinam, Nagapattinam District.

+1 cc to Mr.S.Vijayan Advocate sr.1087/16
+1 cc to Government Pleader sr.1355/16

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