

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.28744 of 2017

T.Kumaresan
presently working as
Head Constable,
Elachipalayam Police Station
Namakkal District

Petitioner
Vs.

1. The Director General of Police,
Police Head Quarters,
Chennai
 2. The Deputy Inspector General of Police
Salem Range, Salem.
 3. The Superintendent of Police,
Namakkal District
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 3rd respondent to consider the representation of the petitioner dated 15.03.2014 and regularize the period of suspension spent by the petitioner as duty and consequently settle all arrears of pay and allowance in accordance with Law within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.T.Arunan

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

The petitioner has come to this Court seeking a Writ of Mandamus to direct the 3rd respondent to consider his representation dated 15.03.2014 and regularize the period of suspension spent by him as duty period and consequently settle all arrears of pay and allowance in accordance with law within a time frame.

2. Heard the learned counsel on either side and perused the documents placed on record.

3. The petitioner was placed under suspension on 09.01.2008. Subsequently, the suspension has been revoked and the petitioner was reinstated in service on 01.09.2008. A perusal of the order dated 07.08.2009 issued by the 3rd respondent, viz., Superintendent of police, Namakkal, clearly shows that the petitioner was departmentally proceeded under Rule 3(b) of TNPSS (Discipline and Appeal) Rules in PR No.6/09 and awarded with a punishment of 'reduction in time scale of pay by one stage for two years and the period of reduction shall not operate to postponement his future increments for two years on 02.06.2009' and his pay was also reduced from Rs.4,390/- to Rs.4,305/- with effect from 17.06.2009. The said order makes it clear that his suspension period from 09.01.2008 FN to 01.09.2008 FN is ordered to be settled as eligible including EOL to the extent necessary as per FR 54. However, the said order has not been challenged, therefore, when the prayer sought for by the petitioner has already been considered by the 3rd respondent vide order dated 07.08.2009, the petitioner cannot come to this Court seeking a writ of mandamus regularising the very same period.

In view of the above, the writ petition is liable to the dismissed and the same stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Director General of Police,
Police Head Quarters,
Chennai

2. The Deputy Inspector General of Police
Salem Range, Salem.

3. The Superintendent of Police,
Namakkal District

+1 cc to M/s.M.T.Arunan Advocate sr 79668

+1 cc to the Govt Pleader sr 80557

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