



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2017

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P.(MD)No.4294 of 2011

WEB COPY

K.Balakrishnan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by Secretary to Government,
Home Department,
Fort St.George, Chennai.

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli District.

3.The Superintendent of Police,
District Police Office,
Tuticorin District.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in proceedings No.C.No.F1/P.R.No.255/05 in D.O.No.1289/08 dated 13.10.2008 and to quash the same and consequently, direct the 3rd respondent to treat the suspension period of the petitioner as duty period with all monetary benefits.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.V.Muruganantham, AGP

O R D E R

The prayer in the Writ petition is for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in C.No.F1/P.R.No.255/05 in D.O.No.1289/08 dated 13.10.2008 and to quash the same and consequently, direct the 3rd respondent to treat the suspension period of the petitioner as duty period with all monetary benefits.

2.Heard both sides.

3.Though the petitioner has come out with the aforesaid prayer, challenging the impugned order passed by the 3rd



respondent dated 13.10.2008 today, Mr.K.Prabhu, learned counsel appearing for the petitioner would submit that as against the said impugned order dated 13.10.2008, the petitioner has already filed an appeal departmentally to the 2nd respondent on 22.02.2010 and the same is still pending, without considering the same for passing any orders by the 2nd respondent.

4.The learned counsel for the petitioner would further submit that if a direction is issued by this Court to the 2nd respondent to decide the said appeal filed by the petitioner on merits and in accordance with law within a time stipulated by this Court, the petitioner would be satisfied.

5.Heard the learned Additional Government Pleader appearing of the respondents in this regard.

6.In view of the said limited prayer now has been sought for by the learned counsel for the petitioner, this Writ petition is disposed with a direction, directing the 2nd respondent to consider the appeal filed by the petitioner dated 22.02.2010 as against the order of the 3rd respondent dated 13.10.2008 and decide the same on merits and in accordance with law of-course by considering G.O.Ms.No.261 Personal and Administrative Reforms (FR III) Department, dated 04.08.1992 as well as Rule 54 (b) of the Fundamental Rules, and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

7.With these directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Home Department, Fort St.George, Chennai.
- 2.The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli District.
- 3.The Superintendent of Police,
District Police Office, Tuticorin District.

+1 cc to Mr.K.Prabhu, Advocate SR.No.1553

+1 cc to Special Government Pleader SR.No.1514

Nbj

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JS/SV/MMS/8.03.2017/2P-6C

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