

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.21219 of 2018

and

W.M.P.Nos.24896 and 24897 of 2018

R.Arul

... Petitioner

Vs.

1. Additional Director General of Police,
Home Guards,
Office of the Director General of Police,
Mylapore, Chennai - 600 004.

2. Superintendent of Police,
Ariyalur District,
Ariyalur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the concerned records relating to the order No.Na.Ka.No.A1/2773/Ku.Pa.&U.Ka./2017 dated 07.12.2017 passed by the first respondent and the order dated 15.06.2017, made in Na.Ka.No.E3/9214/2017 passed by the 2nd respondent in so far as the petitioner is concerned and quash the same and consequently, direct the 2nd respondent to reinstate the petitioner in services of Home Guards with all consequential monetary and other benefits.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.A.N.Thambidurai,
Special Govt. Pleader

O R D E R

The petitioner was appointed as a Home Guard in the Tamil Nadu Home Guards Organization at Ariyalur District, Ariyalur in the year 1998 and he was working without any complaint. It is the case of the petitioner that on 25.05.2017, he was not able

to attend Home Guard duty and therefore, he handed over his beat book to one Manikandan to get the signature of the superior officer concerned, but, the said Manikandan, without his knowledge signed the signature as that of the Inspector of Police, in his book. Therefore, the order of termination dated 15.06.2017 was passed by the second respondent. Challenging the said order of termination, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submitted that the petitioner has completed 19 years of unblemished service and he has also obtained meritorious certificate; the order of termination has been passed without giving an opportunity of hearing and without conducting enquiry and hence, the said order is illegal.

3. A perusal of the order of termination dated 15.06.2017 would go to show that it did not indicate that an enquiry has been conducted. Under such circumstances, the order of termination cannot be sustained. Hence, the order of termination dated 15.06.2017 is liable to be set aside and the same is set aside.

4. Accordingly, the writ petition is allowed. Having regard to the nature of allegations made, the matter is remitted back to the authorities concerned, who are at liberty to conduct an enquiry and pass appropriate orders in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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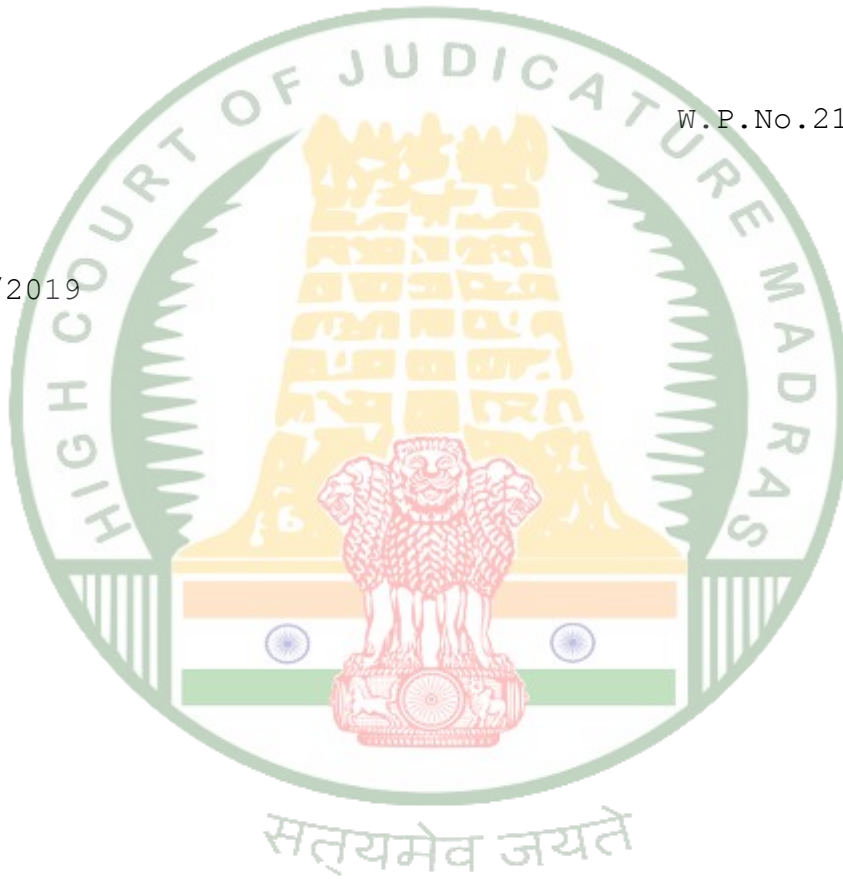
1. Additional Director General of Police,
Home Guards,
Office of the Director General of Police,
Mylapore, Chennai - 600 004.

2. Superintendent of Police,
Ariyalur District,
Ariyalur.

+lcc to Mr.M.Gnanasekar, Advocate Sr.77122
+lcc to the Government Pleader Sr.77445

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