

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.Nos.632 and 633 of 2018
and
C.M.P.Nos.6186 to 6188 of 2018

1. The Director General of Police (Training),
Ashok Nagar, Chennai.
2. The Commandant,
TSP XII Battalion in Charge,
Police Recruit School, Manimuthar.
3. The Principal,
Temporary Police Training School,
TSP IX Battalion, Manimuthar.

.... Appellants in both cases/
Respondents in both cases

Versus

S.Hakeem

Respondent in W.A.632/18/
Petitioner

D.Boovendhiran

Respondent in W.A.633/18/
Petitioner

Prayer:

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.8.2017 passed in W.P.Nos.4764 and 4765 of 2014.

W.P.Nos.4764 and 4765 of 2014:-

Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus to call for the records of the respondents in connection with the impugned order passed by the 3rd respondent in Na.Ka.No.87/Tha.ka.pa/Tha.si.ka. IXBn./2013 dated 14.3.2013 and Na.Ka.Thi.Ka.pa.69/2013/pa.pa.No.05/2013 dated 07.03.2013 and the subsequent rejection order passed by the 2nd respondent in C.No.087/Ty.PRS/TSP IX Bn. dated 20.7.2013 and C.No.69/ Ty.PRS/ TSP IX Bn. Dated 22.8.2013 and quash the same

and further direct the respondents to take back the petitioners for training in the police training school and grant them all consequential service and monetary benefits.

For appellants : Mr.P.S.Sivashanmugasundaram,
in both WPs Special Government Pleader

For respondents : Mr.S.Sivakumar
in both WPs

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and Mr.S.Sivakumar, learned counsel, who takes notice on behalf of the respondents.

2. It appears that the respondents, who were appointed as Grade II Police Constables and undergoing Police Training, on some casualty, had applied for leave to take care of their health condition and their respective mothers and since leave was not granted, it appears that they had tendered resignation on 9.3.2013 and 7.3.2013 and after some time, but, prior to the waiting period of 90 days, after getting recovered from their illness, they had approached for revoking their resignation, but, however, found that their resignations were accepted on 14.3.2013 and 7.3.2013 respectively and therefore, they had come up with the writ petitions.

3. The relevant portion of the order passed by the learned Single Judge is as under:-

"8.Upon consideration of the arguments advanced by the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents, this Court is of the view that there is considerable force in the contentions putforth by the learned counsel for the petitioners as the manner in which the resignation letters had been accepted so promptly without appreciating the circumstances under which the resignation letters were tendered does demonstrate the lack of understanding, as argued by the learned counsel for the petitioner. Moreover, the authority ought to have waited atleast a reasonable time as indicated in Rule 36A of the Tamil Nadu Special Police Subordinate Service Rules, 1978, before the resignation

letter came to be accepted. There is also force in the contention that the resignation letters were accepted by the officer, who was not competent to accept the same."

4. On appreciating the materials available on record in the light of Rule 36A of the Tamil Nadu Special Police Subordinate Service Rules, 1978, the learned Single Judge allowed the writ petition and directed the appellants to take back the respondents herein for training. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge. It is for the appellants to take back the respondents herein within a period of two months from the date of receipt of a copy of this judgment. However, we make it clear that the respondents herein are not entitled to monetary benefits for the period commencing from their absence till they are taken back, but, their seniority would not be affected. The writ appeals are disposed of with the above direction. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Director General of Police Training,
Ashok Nagar, Chennai.
2. The Commandant,
TSP XII Battalion in Charge,
Police Recruit School, Manimuthar.
3. The Principal,
Temporary Police Training School,
TSP IX Battalion, Manimuthar.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.34635
+1cc to the Government Pleader, S.R.No.35360

W.A.Nos.632 & 633 of 2018

SKS (CO)
CS/03/07/18