

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.23556 of 2018

in

WMP. Nos.27508 & 27509 of 2018

J. Ponmudi

...Petitioner

...vs...

1. Inspector General of Police,
Chennai 600 004.
2. Additional Director General of Police,
Home Guards, Chennai 600 004.
3. Superintendent of Police, Villupuram District
Villupuram.
4. Armed Reserve Deputy Superintendent of Police,
Kakuppam, Villupuram
5. Area Commander,
Home Guards, Near Town Police Station,
Villupuram,
Villupuram District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, after calling for the concerned records relating to the order dated 08.07.2015 in Ma.Aa.No.658/2015-Na.Ka.No.H2/026836/2015 passed by the 3rd respondent in so far as the petitioner is concerned and quash the same and consequently direct the third respondent to reinstate the petitioner in services of Home Guards with all consequential monetary and other benefits.

For Petitioner : Mr.M. Gnanasekar

For Respondents : Mrs.R. Janaki
Additional Government Pleader

O R D E R

Mrs.R.Janaki, learned Additional Government Pleader accepts notice on behalf the respondents.

2. By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

3. The case of the petitioner is that he was appointed as a Home Guard in the Tamilnadu Home Guards Organisation on 24.06.2001. Thereafter, he worked continuously till 30.06.2015. Whiles, the third respondent vide order dated 08.07.2015, refused to renew the appointment of the petitioner and 27 others, on the ground that they have not reported for duty for a long time and have indulged in disorderly activities. One Mr.B.Raghavendran, who is similarly placed to that of the petitioner had challenged the same before this Court in W.P.No.17070 of 2016. This Court, by order dated 24.11.2016, set aside the order passed by the third respondent. The said order was challenged before this Court by the respondents in W.A.No.483 of 2017 and the same was also dismissed by the Division Bench of this Court. Thereafter, the petitioner submitted a representation to the third respondent on 28.08.2017, seeking to renew his appointment. Since, no order has been passed till date, he has come forward with this Writ petition challenging the impugned order passed by the third respondent on 08.07.2015 in so far as the petitioner is concerned and to quash the same and consequently direct the third respondent to reinstate the petitioner in services of Home Guards with all consequential monetary and other benefits.

4. The learned counsel appearing for the petitioner submits that so far as the petitioner is concerned, inspite of the order passed in the aforesaid writ petition, no decision on the same has been taken by the respondents till date and hence prays to set aside the order passed by the third respondent dated 08.07.2015, so far as the petitioner is concerned and direct the third respondent to reinstate the petitioner in services of Home Guards with all consequential monetary and other benefits.

5. The learned Additional Government Pleader who accepts notice on behalf of the respondents has not disputed the fact that the case of the petitioner is covered by the aforesaid order of this Court.

6. Considering the aforesaid facts and submissions made this Court disposes of the Writ Petition with a direction to the third respondent to take an informed and considered decision on the representation of the petitioner dated 28.08.2017, by giving a re-look to the impugned order, in view of the order passed in

the aforesaid writ petition, within a period of four weeks from the date of receipt of a copy of this order, if there is no other legal impediment. It is made clear that though this Court directed disposal of such representation, the third respondent while disposal of such representation should take into consideration the fact that the order passed by the third respondent was quashed by this Court, in W.P.No.17070 of 2016, filed by the person who is similarly placed to that of the petitioner and the petitioner is similarly situated. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Inspector General of Police,
Chennai 600 004.
2. Additional Director General of Police,
Home Guards, Chennai 600 004.
3. Superintendent of Police, Villupuram District
Villupuram
4. Armed Reserve Deputy Superintendent of Police,
Kakuppam, Villupuram
5. Area Commander,
Home Guards, Near Town Police Station,
Villupuram, Villupuram District.

+1cc to the Government Pleader, S.R.No. 64943

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rrs 11/10/2018