

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2895 of 2018

C.Munirathinam

.. Petitioner

-vs-

1. The Chief Security Commissioner
Railway Protection Force
Southern Railway, 6th Floor
Moore Market Complex
Chennai 600 003

2. The Senior Divisional Security Commissioner
Railway Protection Force
Chennai Division
5th Floor, NGO/A, Park Town
Chennai 600 003

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pass orders on the representation made by the petitioner dated 30.10.2017 followed by the petitioner's legal notice dated 4.12.2017 seeking arrears of salary for the suspension period from 26.9.95 to 7.9.2001 consequent upon the findings of the disciplinary authority within the time to be stipulated by this Hon'ble Court on merits and as per law.

For Petitioner : Mr.T.R.Sivaram

For Respondents : Mr.P.T.Ramkumar
Standing Counsel

ORDER

The petitioner, while serving as a Constable at ICF Shell Division with Employee No.713748 in the respondent department, suffered a criminal case registered under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 alleging that on 26.9.95 at about 3.15 P.M., along with another person stealthily removed and carried 30 kgs., of brass chips from Shop No.40 of the shell factory. Finally he was placed under suspension with immediate effect from 26.9.95 and the said

suspension period subsequently came to be treated as official duty. Since the charges levelled against the petitioner were also dropped by an order dated 12.10.2017 vide memorandum No.ICF/X/R/153/2/96 dated 6.2.96. A perusal of the memorandum dated 12.10.2017 issued by the Senior Divisional Security Commissioner, RPF/Chennai also clearly shows that the period of suspension from 26.9.95 to 7.9.2001 is treated as duty. But he has not been paid with salary for the said period, for which he has given a representation and the same also has not been considered. Therefore, a direction is sought for.

2. The learned standing counsel for the respondents sought four weeks time to consider the pending representation of the petitioner.

3. Placing his request on record, the second respondent is hereby directed to consider and dispose of the pending representation of the petitioner on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Security Commissioner
Railway Protection Force
Southern Railway, 6th Floor
Moore Market Complex
Chennai 600 003
2. The Senior Divisional Security Commissioner
Railway Protection Force
Chennai Division
5th Floor, NGO/A, Park Town
Chennai 600 003

+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.10659

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RRK(26/02/2018)