



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1165 of 2016
and C.M.P. (MD) No.7451 of 2016

- 1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 4.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai. ... Appellants/Respondents

Vs.

A.Rajakumar ... Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.2523 of 2013 dated 26.03.2013.

Prayer in WP(MD)No.2523 of 2013:

To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.A3/11758/2017 dt. 24.1.2013 on the file of the Respondent No.2 and quash the same as illegal and consequently directing the Respondent No.1 to appoint the Petitioner in the Post of Grade II Police Constable.

For Appellant : Mr.A.K.Baskara Pandian
Special Government Pleader

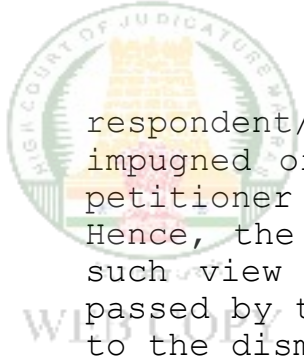
For Respondent : Mr.T.Lajapathi Roy

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

Aggrieved against the order of the learned Single Judge, by which the writ petition was allowed, the present Writ Appeal has been filed.

2.Both the learned counsels agree that the subject matter of the appeal is already covered by the earlier one in W.A.(MD) Nos.626 of 2014 etc., dated 24.07.2017 by which the Director General of Police, Mylapore, Chennai was directed to consider the cases afresh. Though the aforesaid judgment may have an application to the present case, we find the facts are entirely different. In the case on hand, at the time of passing the impugned order the name of the



respondent/writ petitioner was removed from the Charge Sheet. The impugned order was passed on 24.01.2013, where as the name of the petitioner has been removed from the charge sheet on 16.01.2012. Hence, the impugned order cannot be sustained in the eye of law. In such view of the matter, we do not find any error in the order passed by the learned Single Judge. Hence, the Writ Appeal is liable to be dismissed.

3. Accordingly, the Writ Appeal stands dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 4.

2. The Superintendent of Police,
Sivagangai District,
Sivagangai.

+1cc to Mr. T. Lajapathi Roy, Advocate, SR.No. 86897
+1cc to M/s. Special Government Pleader, SR.No. 87140

W.A. (MD) No. 1165 of 2016
25.09.2018

sj

KK/RP/SAR-2/10.10.2018/2P-5C