

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.265 of 2019
and W.M.P.No.283 of 2019

P.Vinayagamurthy

...Petitioner

vs.

1. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Certiorarified Mandamus, call for the records of the 1st respondent in connection with the impugned order passed by him in Dist DO No.966/2015 in Na.Ka.No.K1/15866/2015 dt.2.11.15 and quash the same and direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits and grant such other further relief as this Court may deem fit.

For Petitioner :Mr.M.Muthappan

For Respondent :Mrs.A.Sri Jayanthi
Additional Government Pleader

ORDER

The Writ Petition has been filed by the petitioner seeking direction to quash the impugned order passed by him in Dist DO No.966/2015 in Na.Ka.No.K1/15866/2015 dt.2.11.15 passed by the first respondent and further direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

2.The learned Senior Counsel appearing for the petitioner would submit that the petitioner being selected by the Police Department was appointed as Youth Brigade in Nagapattinam District on 11.02.2014. The petitioner entered causal leave from 01.08.2015 to 02.08.2015 and subsequently due to poor health condition, he applied for medical leave for 15 days from 03.08.2015 and further complicated health issue, the petitioner did not report for duty. However, the respondent made allegations against the petitioner that the petitioner has developed intimacy with the deceased Selvi S.Kanaga daughter of Selvaraj for the last two years and promised to marry her. But subsequently, refused to marry her and she committed suicide on 31.07.2015 and died on 05.08.2015 for which the petitioner was implicated in a criminal case registered in Crime No.255 of 2015 on the file of Vettaikaranpudur Police Station for the offences under Sections 376 and 4(B) of Tamil Nadu Women Harassment Act, 1993.

3.The learned Senior Counsel would further submit that based on the report of the Inspector of Police, Thalainayiru Police Station, the petitioner was issued with a show cause notice dated 31.08.2015 stating that the petitioner having involved in a criminal case which is considered to be a serious offence and thereafter the petitioner was dismissed from the service on 02.11.2015 without any show cause notice and conducting any enquiry as required under disciplinary appeal rules. However, the above said criminal case entered in acquittal. Thereafter, the petitioner made representation to the respondent for reinstatement of service. But till date, the representation was not considered.

4.The learned Additional Government Pleader appearing for the respondents would submit that the post in which the petitioner enjoyed is a honorarium post and Youth Brigade shall be paid a consolidated monthly honorarium of Rs.7,500/- and shall not be entitled for any other allowances except travelling allowance which shall be admissible while serving away from the headquarters. Since the petitioner case entered acquittal, the State decided to prefer an appeal before the Appellate Court. However, till the disposal of the case, the petitioner will not be entitled for any benefit from the respondent.

5.Considering the facts and circumstances, I am not inclined to express any opinion, without expressing any opinion, I am inclined to direct the first respondent to consider the petitioner representation and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition shall stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

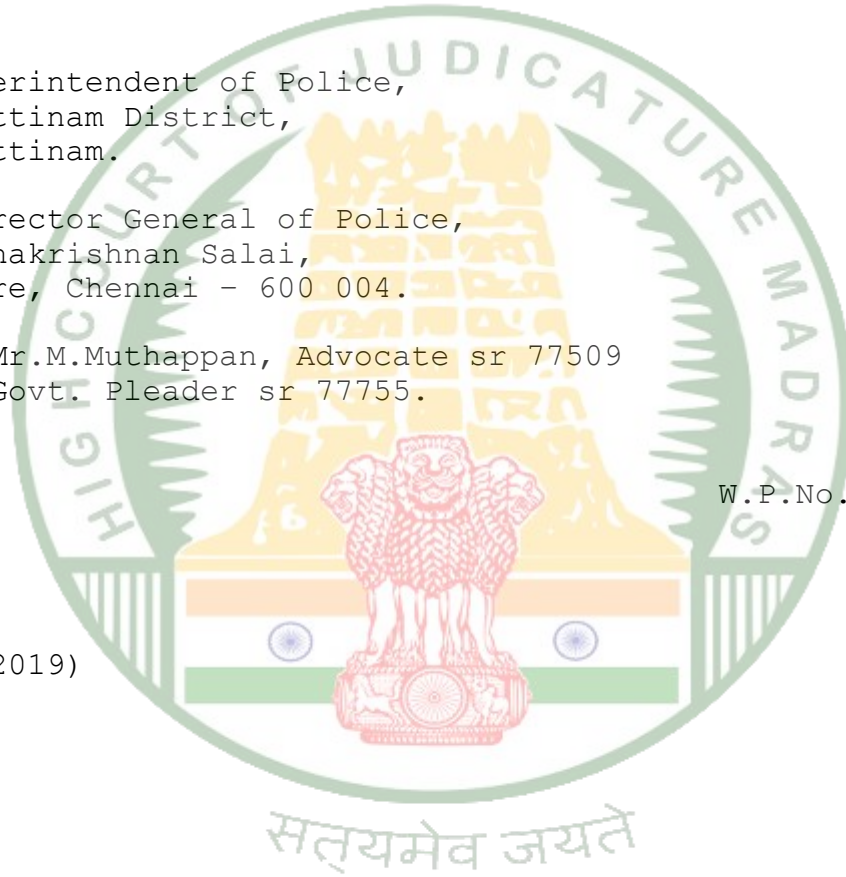
1.The Superintendent of Police,
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2. The Director General of Police,
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+1 CC to Mr.M.Muthappan, Advocate sr 77509
+1 CC to Govt. Pleader sr 77755.

W.P.No.265 of 2019

RSV(CO)
SP(04/11/2019)



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