

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19134 of 2019

K.Palanisamy

... Petitioner

Vs.

The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 009

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider and pass orders on merits and in accordance with law on the representation of the petitioner dated 20.12.2018 with regard to reinstatement into service, as done in the case of one Mr.P.Karunanithi. Ex.PC 1807 of Trichy District in RC No.AP.IV (1)/235320/2006 dated 22.03.2007.

For Petitioner : Mr.G.Bala and Daisy

For Respondent : Mr.R.S.Selvam
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that the petitioner joined the police Services as Grade II Police Constable on 30.11.2003 and he had been maintaining a good record of service for the past 12 years. The petitioner had applied for 4 days Casual leave from 01.08.2015 to 04.08.2015 for ill health and did not rejoin the duty on 05.08.2015, as he was admitted in Hospital at Kerala. The petitioner did not intimated the same to the respondent. Thereafter, the respondent declared the petitioner as a deserter and issued proceedings dated 10.09.2015. Further, a charge memo was issued in P.R.No.32/A4/2016 to the petitioner. The petitioner thereafter participated in the enquiry and explained that his absence was due to ill health. The enquiry officer vide his report dated 01.09.2016 had held that the charges have been proved and imposed a punishment of removal from service by an order dated 03.10.2016. The petitioner in this regard had submitted a representation to the respondent dated 20.12.2018 for

reinstatement in to service as per Rule 15 A of Tamil Nadu Police Subordinate Service Rules. Since no response is forthcoming, the petitioner came forward to file this writ petition.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that in similar circumstances on 22.03.2007, the respondent had passed an order in RC No.AP.IV (1)/235320/2006 reinstating one Mr.Karunanithi, who was dismissed from service on 06.11.1997 for having absented from duty for more than 21 days. The learned counsel further submitted that it would suffice, if a direction is issued to the respondent to consider the representation of the petitioner dated 20.12.2018 and pass orders, within a stipulated time fixed by this Court.

5.Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 20.12.2018 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-)

// True Copy//

Sub Assistant Registrar

rka

To

The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 009.

+1cc to M/s.Bala & Daisy, Advocates, SR.No.91917.

W.P.No.19134 of 2019

RR (CO)
CSR(09/12/2019)