



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.08.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.17885 of 2019

Maria Savuri

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.

2.The Commandant,
Tamilnadu Special Police 6th Battalion,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to re-instate the petitioner as Grade II Police Constable based on the petitioner's representation dated 23.04.2019 and 06.07.2019.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.M.Pandiarajan
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to re-instate the petitioner as Grade II Police Constable based on the petitioner's representation dated 23.04.2019 and 06.07.2019.

2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he was working as Grade II Police Constable in the 6th battalion of Tamil Nadu Special Police Force, Madurai. Due to some personal reason, he took leave from 01.03.2007 for a period of one week. In the meantime, he was bedridden by affecting Jaundice and hence, he reported the above situation with the Bodi Town Police Station and taken 30 days medical leave. As per the communication of the second respondent dated 11.05.2007, the petitioner was appeared before the medical board on 17.05.2007 for submitting his explanation and subsequently, the officials of the medical board directed him to appear again on 23.05.2007 to produce some more documents.



4. Thereafter, based on the report of the medical board, the petitioner was directed to join duty on 31.05.2007. At this juncture, the second respondent by order dated 25.06.2007, deserted the service of the petitioner and directed him to submit his explanation for non-reporting the duty within a period of 60 days. Further, before the expiry of the said 60 days, the second respondent passed a final order in Na.Ka.No.,/tpR(k.tp) 217/2017 dated 08.08.2007, by stating that the service of the petitioner has been deserted and due to the same, he was not allowed to be in service and for the same set of charges, by an order dated 08.12.2007, the punishment has been awarded to the petitioner of reduction of one increment with cumulative effect. Thereafter, in the month of February 2008, when the petitioner approached the second respondent to join duty, he was not allowed to join duty. With regard to the same, the petitioner submitted a representation on 23.04.2019 to the respondents, but, so far no action has been taken. Hence, the petitioner is before this Court with the present petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents would submit that after a lapse of more than 10 years from the date of deserting the petitioner from service, the present writ petition has been filed. There is no explanation in the writ affidavit filed in support of this writ petition for such delay, except the petitioner came to know that the recent orders passed by this Court by granting the same relief to the similarly affected persons. The other explanations for the said delay are improper and the same cannot be entertained.

6. Heard the learned counsel on either side and perused the records carefully.

7. Considering the facts and circumstances of this case, after a lapse of more than 10 years from the date of deserting the petitioner from service, the present writ petition has been filed and in view of the submission made by the learned Additional Government Pleader, no *prima facie* case is made out against the petitioner. Accordingly this Writ Petition is dismissed on the ground of laches in filing the present writ petition. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.

2.The Commandant,
Tamilnadu Special Police 6th Battalion,
Madurai.

+1 CC to SPL GP SR-82168.

+1 CC to Mr.ANANTH C. RAJESH, Advocate SR-82330.

W.P. (MD) No.17885 of 2019

CS(10.09.2019) 3P 5C