

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10933 of 2016

A.Stanely

... Petitioner

Vs.

1. The State of Tamilnadu,  
Rep. by its Secretary to Government,  
Home (Police V Department) Department,  
Secretariat, Chennai 600 009.
2. The Director General of Police,  
Tamilnadu Police, Mylapore,  
Chennai 600 004.
3. The Joint Commissioner of Police,  
West Zone, SIDCO Compound,  
Ambattur Industrial Estate,  
Chennai-58.

... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ or Direction or Order in the nature of writ in particular a Writ of Mandamus directing the respondents to give him all service benefits following his reinstatement, such as issuing police number as per his previous substantive post, pay fixation, seniority, promotion etc., on par with his batch mates/juniors.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.J.Ramesh, Addl.Gov. Pleader  
(for R1 to R3)

O R D E R

This writ petition has been filed for direction to the respondents to give the petitioner all service benefits following reinstatement, such as issuing police number as per his previous substantive post, pay fixation, seniority, promotion etc., on par with his batch mates.

2. The case of the petitioner briefly as follows.

The petitioner was entered into service as Grade-II Police Constable on 25.10.1984. While he was in service, he was kept under suspension, in view of the allegation of involvement in a criminal case. Subsequently, as per the orders passed by this court in W.P.No.29189 of 2013 dated 28.11.2013, the petitioner was reinstated into service and the period of suspension was ordered to be treated as leave available to his credit. However, the petitioner was not reinstated into service, within two months as per order of this court and hence, he may be paid the pay and allowance from the date of expiry of two months till the date of reinstatement. Hence, he made representation dated 29.01.2015 to the 3rd respondent to issue a new police number, to regularise the suspension period as duty period and to promote him as Special Sub Inspector of Police, after fixing the pay. However, there is no response. Again, he made representation dated 15.07.2015 to the 3rd respondent. The petitioner came to know that in the temporary recommendation Roll dated 11.11.2015 prepared by the 3rd respondent for giving promotion, his name was placed at bottom of the list, whereas, his juniors names are placed above. Hence, this writ petition.

3. The learned Additional Government Pleader submitted that as per the orders passed by this court in W.P.No.29189 of 2008 dated 28.11.2013, the petitioner was reinstated into service and the period of absence was settled by the Department, as per the guidelines in force. Therefore, if the petitioner is having any grievance, he has to seek before the authority concerned.

4. Heard the learned counsel appearing for the petitioner as well as the Additional Government Pleader.

5. On perusal of the counter affidavit filed by the respondents shows that that the period of absence of the petitioner was settled according to the guidelines in force. However, there is no answer with regard to the seniority as well as the pay of the petitioner.

6. Therefore, this court is inclined to pass the following order.

i) The petitioner is directed to make fresh representation to the 3rd respondent.

ii) On such receipt of the representation from the petitioner, the 3rd respondent shall consider the same, in accordance with law, as early as possible, within a period of two weeks from the date of receipt of the representation.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-  
Asst.Registrar (CJ)

/true copy/

Sub Asst. Registrar

mst

1. The Secretary to Government,  
State of Tamilnadu,  
Home (Police V Department) Department,  
Secretariat, Chennai 600 009.
2. The Director General of Police,  
Tamilnadu Police, Mylapore,  
Chennai 600 004.
3. The Joint Commissioner of Police,  
West Zone, SIDCO Compound,  
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Chennai-58.

+1 cc to Government pleader sr15698

+1 cc to M/s.S.Sivakumar Advocate sr15064

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