

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.16591 of 2007

G.Selvaraj

..Petitioner

Vs

Commandant,
TSP I Battalion,
Trichy - 620 012.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned order of removal from service of the respondent herein in his proceedings C.No.E2/PR.43/2002 dated 30.12.2003 and quash the same and consequently direct the respondent to reinstate the applicant into service with all consequential service and monetary benefits.

For Petitioner : No appearance

For Respondent : Mr.P.Chinnadurai
Additional Government Pleader

O R D E R

This writ petition has been filed to quash the impugned order dated 30.12.2003 in proceedings C.No.E2/PR.43/2002, issued by the respondent and consequently to direct the respondent to reinstate the petitioner into service with all consequential service and monetary benefits.

2. It is the case of the petitioner that he joined as a Police Constable in the Tamil Nadu Special Police I Battalion on 15.04.1997. While he was in service he had absented himself for duty for more than 21 days from 23.04.1997. The petitioner had not taken back to duty from the date of his absence, in spite of his representation for reinstatement. After oral enquiry, the respondent passed an order imposing punishment of reduction in time scale of pay for one year without cumulative effect. Though reinstatement order was passed, he has not reinstated into service. Hence, the petitioner submitted a representation on

05.08.1998 seeking reinstatement into service and the same was not considered by the respondent. Therefore, he filed an application in O.A.No.3258 of 2003 before the State Administrative Tribunal. After abolition of the said Tribunal, the said O.A was transferred and renumbered as W.P.No.16591 of 2007.

3. The learned Additional Government Pleader appearing for the respondent would submit that during the pendency of the writ petition, the petitioner filed another writ petition before the Madurai Bench of this Court in W.P.(MD)No.19903 of 2014 to consider his representation dated 18.10.2012 and the same was dismissed by this Court on 08.12.2014. Challenging the same, the petitioner filed an appeal in W.A.(MD).No.887 of 2018, the Division Bench of this Court allowed the same on merits. He would further submit that the petitioner suppressed the pendency of the writ petition before this Court and filed another writ petition before the Madurai Bench of this Court for the very same relief and the same was dismissed. Therefore, nothing survives for adjudication in this writ petition.

4. On a perusal of the typed set of papers filed by the learned Additional Government Pleader, it would clearly show that during the pendency of the writ petition, the petitioner filed another writ petition in W.P.(MD).No.19903 of 2014 and the same was dismissed. Aggrieved over the same, he filed W.A.(MD).No.887 of 2018 and the same was allowed by this Court on 27.07.2018, for which, the petitioner is not interested to proceed with this matter before this Court.

5. When the matter was taken up for hearing on 14.10.2020, there was no representation for the petitioner. Even, today there is no representation on behalf of the petitioner.

6. In the light of the above facts and circumstances and the submissions made by the learned Additional Government Pleader, this Court finds that nothing survives for adjudication in this writ petition. Accordingly, the writ petition is dismissed as infructuous. However, there shall be no order as to costs.

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Assistant Registrar

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Sub Assistant Registrar

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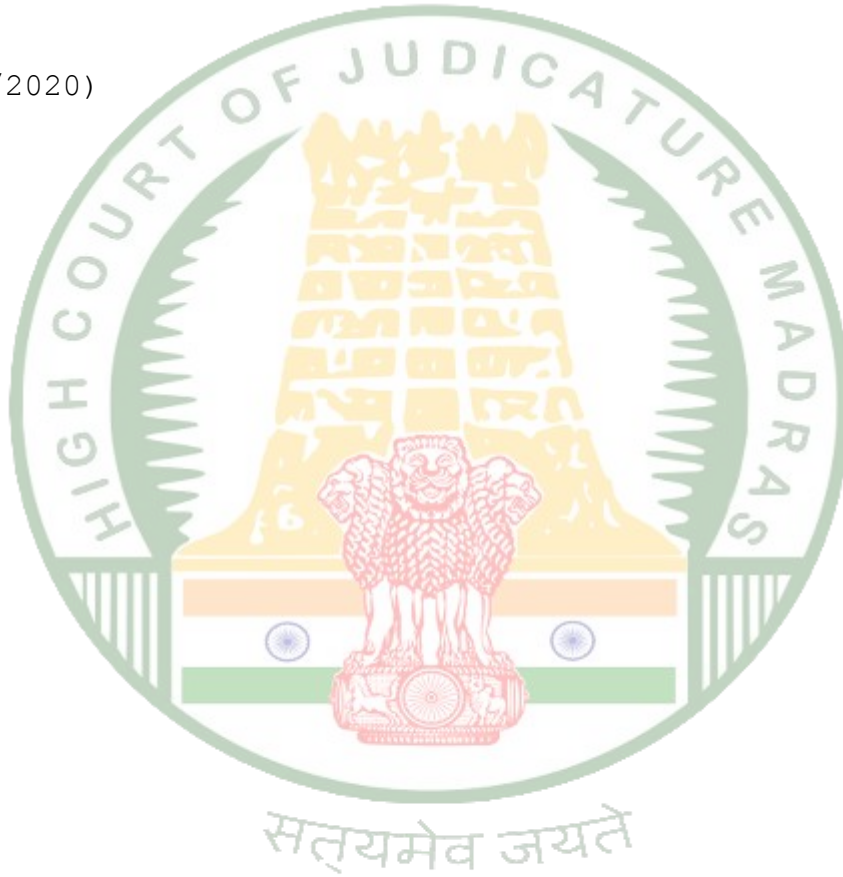
To

1.The Commandant,
TSP I Battalion,
Trichy - 620 012.

+1 cc to The Government Pleader, Sr.No. 37146

W.P.No.16591 of 2007

BR(CO)
RMP(10/12/2020)



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