

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 17346 of 2007
(O.A.No.1536 of 2003)

M.Srinivasan

...Petitioner

Versus

1. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.
2. The Commandant,
Tamil Nadu Special Police,
V Battalian, Avadi,
Chennai-600 109.
3. The Principal and Superintendent
Police Recruit Training School,
Kancheepuram.

...Respondents

PRAYER: Originally this petition has been filed as Original Application No.1536 of 2003 before the TamilNadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.17346 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the commandant, Tamil Nadu Special Police, V Battalian, Avadi, Chennai-600 109, the 2nd respondent herein made in his office Reference in B.O.546/02.C.No.D3/2348/02, dated 30.07.2002, in communicating the decision of the Chief Office Memorandum made in Rc.No.128929/Rect.3/02, dated 24.07.2002, passed by the Director General of Police, the 1st respondent herein, quash the same and direct the respondents herein to reinstate the applicant herein as constable Grade II and permit him to continue in service with all consequential service and monetary benefits which the applicant is entitled to but for discharge and pay all the arrears due to the applicant.

For Petitioner	:	Mr.K.Rajkumar
For R1 to R3	:	Mr.K.Magesh
		Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order passed by the second respondent in B.O.546/02.C.No.D3/2348/02, dated 30.07.2002 in communicating the decision of the Chief Office Memorandum made in Rc.No.128929/Rect.3/02, dated 24.07.2002, passed by the Director General of Police, the 1st respondent herein, and quash the same and direct the respondents herein to reinstate the applicant herein as Constable Grade II and permit him to continue in service with all consequential service and monetary benefits which the applicant is entitled to but for discharge and pay all the arrears due to the applicant.

2. The learned counsel for the petitioner would submit that the petitioner was appointed as Grade-II Police Constable. After appointing within in one month, there was complaints filed against him. Therefore, he was referred to Medical Board and Medical Board has given the certificate that he is not fit to the post and also fit to do any other work. Therefore, he was removed from service. He further submitted that no opportunity was given him to refer to another Medical Board.

3.The learned Additional Government Pleader would submit that since he was appointed as Grade II Police Constable and he was undergoing training and within one month there were complaints against him and he was referred to the Medical Board. Based on the report of the Medical Board, he was removed from service within one month from the date of appointment.

4.Therefore, considering the facts and circumstances of the case since the post he was selected was in the uniformed services, the person must have good physique. On the date of filing of the petition he was only 23 years and hence, he cannot be allowed for light duty throughout the service. Therefore, since he was only 23 years and he could have appeared for further examination for some other posts. Under these circumstances, the relief sought for by the petitioner cannot be considered.

5. Considering the facts and circumstances of the petition, this Court does not find any reason to interfere with the impugned order passed by the second respondent. Therefore, this Court does not find any merits in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.
2. The Commandant,
Tamil Nadu Special Police,
V Battalian, Avadi,
Chennai-600 109.
3. The Principal and Superintendent
Police Recruit Training School,
Kancheepuram.

+1cc to M/s.K.Rajkumar, Advocate, S.R.No.34935
+1cc to the Government Pleader, S.R.No.35058

W.P. 17346 of 2007

RGN(CO)
RV(09/12/2020)



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