

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9711 of 2020

Sakthi Velayudhaswamy

...Petitioner

vs.

1. The Commandant,
TSP IV Battalion
Kovaipudur, Coimbatore - 42.

2. The Inspector General of Police,
Armed Police, Trichy.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the Respondents to pass orders on the representation made by the petitioner dated 11.12.2019 to grant annual increment, upgradation with continuity of service along with backwages from the date of order of reinstatement till the date of implementation of the order.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.P.S.Sivashanmuga Sundaram,
Special Government Pleader

ORDER

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents to consider and pass orders on his representation dated 11.12.2019.

2. According to the Petitioner, he was appointed as Grade-II Police Constable on 24.05.1999. Since his wife committed suicide, he was implicated in a criminal case and was acquitted on 22.09.2005 from all the charges. In the meantime, departmental proceedings were initiated against the Petitioner alleging that, he has not informed about the Anticipatory Bail and the enquiry conducted by the RDO regarding the alleged dowry death. After enquiry, the Petitioner was removed from service

vide proceedings in PR No.16/2004, dated 06.08.2004. Aggrieved by the order of removal, the Petitioner filed W.P.No.20298 of 2006 and the same was allowed by this Court on 22.04.2013. Challenging the same, the Department preferred W.A.No.2545 of 2013 and the same came to be dismissed by an order dated 13.12.2018. Pursuant thereto, the Petitioner was reinstated in service by an order dated 14.05.2019 passed by the 1st Respondent herein.

3. It is further stated by the Petitioner that, as per the order dated 22.04.2013 passed in W.P.No.20298 of 2006, he is not entitled to backwages during the period of suspension. However, in Writ Appeal No.2545 of 2013, no stay was granted, and in spite of the pendency of the Contempt Petition filed by him, he was not reinstated into service. Hence, it is the case of the Petitioner that, he is entitled to get back wages from 22.04.2013, the date on which W.P.No.20298 of 2006 was allowed, till the date of his reinstatement, i.e. 14.05.2019, and also for continuity of service on par with his juniors. In that regard, the Petitioner made a representation dated 11.12.2019 to the Respondents. Pending consideration of the same, the Petitioner is before this Court.

4. Heard Mr.Mr.K.Venkataramani, learned Senior counsel appearing for the Petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing for the Respondents.

5. In view of the limited prayer sought for by the petitioner, without going into the merits of the case, Respondents are directed to consider the Petitioner's representation dated 11.12.2019 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the Petitioner either in person or on receipt of his Written Submissions through e-mail/Speed Post, within a period of four months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)
//True Copy//

Sub Assistant Registrar

(aeb/mrp)

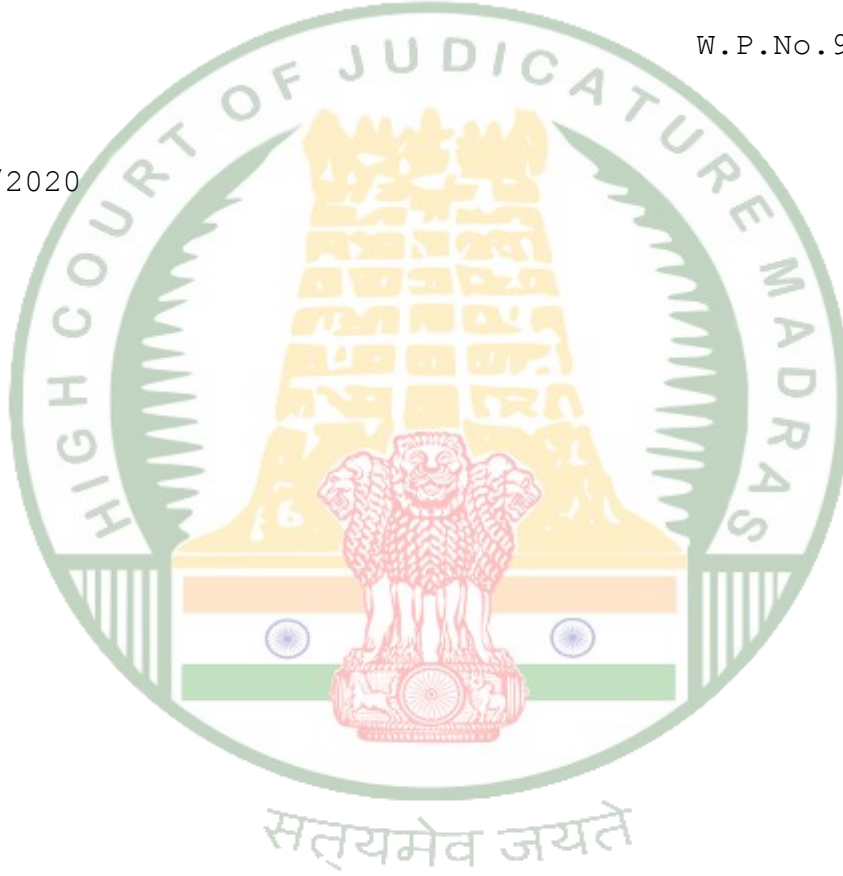
To:

1. The Commandant,
TSP IV Battalion
Kovaipudur, Coimbatore - 42.
2. The Inspector General of Police,
Armed Police, Trichy.

+1cc to the Government Pleader, S.R.No.25417
+1cc to Mr.Muthappan, Advocate, S.R.No.25480

W.P.No.9711 of 2020

NAS (CO)
KKV/25/08/2020



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