



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.11.2020**

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.15377 of 2020

and

W.M.P. (MD) No.12918 of 2020

S.Boobalakrishnan

...Petitioner

Vs

1.The Inspector General of Police,
Armed Police,
Chennai - 10.

2.The Deputy Inspector General of Police,
Armed Forces (Welfare and Modernisation),
Thiruchirapalli - 12.

3.The Commandant,
Tamilnadu Special Police VI Battalion,
Madurai 625 014.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 30.8.2020 and to upgrade / promote the petitioner as Gr.I Police Constable from 1.3.2005 and as Head Constable from 01.03.2010 and as Special Sub Inspector of Police (SSI) on par with his batch-mates, who are expected to be promoted as SSI from 01.11.2020 duly cancelling the Leave without pay (LWP) granted for the period from 15.09.1995 to 14.04.2002 and consequently to disburse the pay and allowances for the period from 15.09.1995 to 14.04.2002.

For Petitioner : Mr.A.Thirumurthy

For Respondents: Mr.B.Bhagavathy
Government Advocate

ORDER

This writ petition is filed to direct the respondents to promote the petitioner as Special Sub Inspector of Police (SSI) on par with his batch-mates, who are expected to be promoted as SSI from 01.11.2020, duly cancelling the Leave without pay (LWP) granted for the period from 15.09.1995 to 14.04.2002 and to disburse the pay



and allowances for the period from 15.09.1995 to 14.04.2002 to the petitioner, by considering the representation dated 30.8.2020.

2.By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, when he was working as Police Constable Grade II in the Tamilnadu Special Police VI Battalion, by proceedings dated 07.06.1996, he was removed from service and challenging the same, he has preferred O.A.No.2148 of 2000 before the Tamilnadu Administrative Tribunal and the Tribunal, by order dated 12.03.2002, had set aside the order of termination dated 07.06.1996 and to impose the punishment of stoppage of increment for a period of three years with cumulative effect and without back wages on the petitioner.

4.As against the said order, the petitioner has filed W.P.No.25251 of 2015 before the Division Bench of this Court and this Court by order dated 22.08.2007, has set aside the order of Tribunal dated 12.03.2002, to the extent of directing the respondent therein to impose the punishment of stoppage of increment for three years with cumulative effect on the petitioner. Though the Division Bench of this Court by order dated 12.03.2000, has set aside the order of Tribunal dated 12.03.2000, the respondents did not permit the petitioner to join duty.

5.The main grievance of the petitioner is that he is entitled for getting promotion to the post of Police Constable-Grade I from 01.03.2005 and as Head Constable from 01.03.2010 and as Special Sub Inspector of Police (SSI), on par with his batch-mates, who are expected to be promoted as SSI from 01.11.2020, duly cancelling the Leave without pay (LWP) granted for the period from 15.09.1995 to 14.04.2002 and for disbursing the pay and allowances for the period from 15.09.1995 to 14.04.2002, since the order of Tribunal has been set aside by the Division Bench of this Court. In this regard, though the petitioner has made a representation dated 30.08.2020 before the respondents, so far no steps have been taken for which, the petitioner constrained to move the present writ petition for the relief stated supra.

6.Mr.B.Bhagavathy, learned Government Advocate appearing for the respondents would submit that the petitioner's representation dated 30.08.2020 will be disposed of on merits and in accordance with law within a period of six weeks.

7.In view of the submission made by the learned learned Government Advocate and in view of the order passed by the Division Bench of this Court dated 22.08.2007, this Court is inclined to pass the following direction:-

the respondents are directed to consider the petitioner's representation dated 30.08.2020 on merits and in accordance with law



within a period of six weeks from the date of receipt of a copy of this order;

8. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector General of Police,
Armed Police,
Chennai - 10.
2. The Deputy Inspector General of Police,
Armed Forces (Welfare and Modernisation),
Thiruchirapalli - 12.
3. The Commandant,
Tamilnadu Special Police VI Battalion,
Madurai 625 014.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-21276[F] dated 05/11/2020)

+1 CC to SGP (SR-21317[F] dated 05/11/2020)

W.P. (MD) No.15377 of 2020

04.11.2020

CK (CO)

NR (18/11/2020) 3P : 6C