



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.8527 of 2021

WEB COPY

Sundarapandian

... Petitioner

-Vs-

1.A.D.G.P.Civil Defence and Home Guards,
E.V.R.Maligai, Nandhanam,
Chennai-35.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Collectorate Complex,
Virudhunagar-626 001.

3.The Deputy Superintendent of Police,
Collectorate Complex,
Virudhunagar-626 001.

4.The Area Commander,
Home Guard,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to reinstate the petitioner as company commander, home guards and civil defence division of Virudhunagar District again.

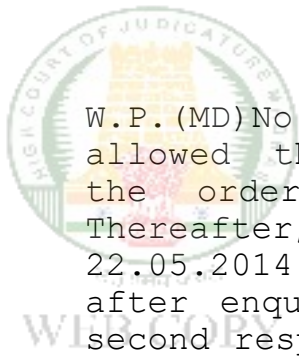
For Petitioner : Mrs.Porkodi Karnan
for M/s.Polex Legal Solutions

For R2 & R3 : Ms.V.P.M.Vaishnavi
Government Advocate

ORDER

This Writ Petition is filed to direct the respondents to reinstate the petitioner as Company Commander, Home Guards and Civil Defence Division of Virudhunagar District.

2. According to the petitioner, he was working as Company Commander, Home Guards and Civil Defence Division of Virudhunagar, for a period of 7 years. While so, he was terminated from service by proceedings in C.No.E4/21772/2012 in D.No.495/2012, dated 21.04.2012 by the second respondent. Challenging the said order of termination, the petitioner has already filed a writ petition in



W.P.(MD)No.7703 of 2012. By order, dated 04.01.2013, this Court allowed the said writ petition. According to the petitioner, after the order of this Court, he was reinstated into service. Thereafter, the petitioner was issued with charge memo, dated 22.05.2014. An enquiry was conducted by the third respondent and after enquiry, the petitioner was terminated from service by the second respondent by order, dated 03.11.2015. Challenging the said order of termination, the petitioner filed a writ petition in W.P (MD)No.23385 of 2015. By order dated 07.11.2019, this Court allowed the said writ petition and the order of termination, dated 03.11.2015, was set aside. In spite of the order of this Court, the respondents did not reinstate the petitioner in service. Therefore, the petitioner filed a contempt petition in Cont.P(MD) No.478 of 2021. The said contempt petition was closed.

3. The learned counsel appearing for the petitioner submitted that the petitioner was not reinstated into service even after the order of termination, dated 03.11.2015, was set aside by this Court, vide order dated 07.11.2019, allowing the writ petition in W.P(MD) No.23385 of 2015. Hence, the petitioner has come out with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 2 & 3.

5. From the above materials, it is clear that on two occasions this Court set aside the order of termination passed by the respondents. Though, the order of termination was set aside by an Order of this Court, dated 07.11.2019 in W.P(MD)No.23385 of 2015, the petitioner was not reinstated into service. In such circumstances, the petitioner has come out with the present writ petition for a direction to the respondents to reinstate him into service. This Court by order dated 07.11.2019, in W.P(MD)No.23385 of 2015 has held as follows:-

"11. Having regard to the peculiar circumstances and facts indicated above, this Court is of the view that the whole enquiry proceedings was proceeded without framing definite charge against the petitioner. Hence, this Court is inclined to set aside the order of punishment, which is in violation of principles of nature justice. As a result, this writ petition is allowed and the impugned order passed by the second respondent, dated 03.11.2015 is set aside. However, it is open to the respondents to initiate fresh proceedings after issuing charge memo specifying the charges. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed."

6. In spite of the order of this Court, dated 07.11.2019, the



respondents have not reinstated the petitioner into service and the petitioner is entitled to the relief sought for in this writ petition.

7. Accordingly, the writ petition is allowed and the respondents are directed to reinstate the petitioner into service and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

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.A.D.G.P.Civil Defence and Home Guards,
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Chennai-35.
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- 3.The Deputy Superintendent of Police,
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Virudhunagar-626 001.
- 4.The Area Commander,
Home Guard,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-17612[F] dated 27/04/2021)

W.P. (MD)No.8527 of 2021

27.04.2021

KK(25.05.2021) 3P 6C