



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.2808 of 2021

B.Kumaresan

... Petitioner

Vs.

1 The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

2 The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

3 The Superintendent of Police
Theni District, Theni.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in P.R.No.3/F1/2008 dated 29-11-2017 and quash the same and consequently direct the Respondents to calculation of suspension period converted to be on duty period from 29-09-2007 to 11-03-2009 as per the fundamental Rule 54-B-9(a) (b) and G.O.Ms.No.228 (P and AR) (FR IV) Department dated 13-04-1989.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The order dated 29.11.2017 rejecting the claim of the writ petitioner to regulate the period of termination as duty from 29.09.2007 to 11.03.2009 is under challenge in the present Writ Petition.

2. The petitioner was working as Head Constable and on account of certain allegations, the departmental disciplinary proceedings were initiated. The petitioner was imposed with the punishment and thereafter, he filed an application to regulate the period of suspension as duty.



3.The learned Additional Government Pleader made a submission that the period of suspension from 29.09.2007 to 11.03.2009 has already been regulated as eligible leave applicable to the petitioner and if any arrear of salary is to be granted, that has also already been ordered by the competent Authority.

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4. Therefore, this Court is of the considered opinion that once the period of suspension is regulated in accordance with the Rules, the petitioner cannot submit an application to treat the suspension period as duty. The Authorities have considered the claim of the petitioner and decided that the period is to be treated as eligible leave and applicable salary, if any, was also directed to be paid. If at all the petitioner is not satisfied, it is left open to the petitioner to approach the Competent Appellate Authority. However, this Court do not find any infirmity in respect of the orders passed by the respondent.

5. With this liberty, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

1 The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

2 The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

3 The Superintendent of Police
Theni District, Theni.

+1 CC to M/s.A.RAJARAM, Advocate (SR-10818[F] dated 09/03/2022)

+1 CC to M/s.SPL.GP (SR-10993[F] dated 09/03/2022)

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