



W.P.(MD)No.10629 of 2016

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 25.11.2022**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD)No. 10629 of 2016**

**and**

**W.M.P.(MD)No.8243 of 2016**

G.Alaguraja

... Petitioner

**Vs.**

1. The Director General of Police,  
Chennai.

2. The Additional Director General of Police,  
O/o. the Additional Director General of Police,  
Armed Police, Chennai – 10.

3. The Commandant,  
TSP Regimental Centre,  
Avadi, Chennai – 54.

.... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records relating to the impugned order passed by the 1<sup>st</sup> respondent in his proceedings in Na.Ka.No. 037624/Mae.Mu.4(1)/2013 dated 23.12.2013 confirming the order passed by the 2<sup>nd</sup> respondent in his proceedings RC.No.C1/1421/2013, dated 04.02.2013



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confirming the order of removal from service passed by the 3<sup>rd</sup> respondent in his proceeding in PR.No.03/2010, dated 29.03.2011 and quash the same as illegal and consequentially to direct the respondents reinstate the petitioner in service.

For Petitioner : M/s.S.Mohammed Suhail,  
for, M/s.Ajmal Associates

For Respondents : M/s.Farjana Ghoushia,  
Special Government Pleader

**ORDER**

This Writ Petition has been filed to challenge the impugned order passed by the 1<sup>st</sup> respondent in his proceedings in Na.Ka.No.037624/Mae.Mu. 4(1)/2013, dated 23.12.2013, confirming the order passed by the 2<sup>nd</sup> respondent in his proceedings RC.No.C1/1421/2013, dated 04.02.2013 confirming the order of removal from service passed by the 3<sup>rd</sup> respondent in his proceeding in PR.No. 03/2010, dated 29.03.2011 and also sought for a consequential direction to the respondents to reinstate the petitioner in service.

2. Heard M/s.S.Mohammed Suhail, for M/s.Ajmal Associates, learned counsel appearing for the petitioner and M/s.Farjana Ghoushia, learned Special Government Pleader, appearing for the respondents.



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3. The petitioner was appointed as Police Constable on 18.01.2010.

Due to family situation and depression, the petitioner was not medically fit to concentrate his job. Therefore, during the training period, the petitioner left official duty on 05.04.2010. Thereafter, based on the medical fitness, he joined duty on 19.04.2010. Again, he was forced to take leave from 25.04.2010 to 17.05.2010 and he again joined on 16.06.2010. Thereafter, the petitioner left the job.

4. In the meanwhile, the 3<sup>rd</sup> respondent vide proceedings, dated 12.07.2010, passed an order of desertion, thereafter, charge memo was issued on 03.08.2010 and he was removed from service, as per P.R.No.03 of 2010, vide order, dated 29.03.2011. On appeal, the 2<sup>nd</sup> respondent confirmed the dismissal order, vide order, dated 23.12.2013.

5. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that the petitioner is not entitled to any benefits, however, he has submitted a mercy petition before the authorities.



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6. In view of the aforesaid reasons, without going into the merits of the case, this matter is remitted back to the concerned authorities to consider the mercy petition and pass an order, within a period of six weeks, from the date of receipt of copy of the order. Accordingly, this writ petition is closed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No  
Internet : Yes  
ksa

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**S.SRIMATHY, J**

**ksa**

**Order made in  
W.P.(MD)No.10629 of 2016**

**25.11.2022**