



W.P.(MD)No.28346 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28346 of 2022

K.Marimuthu

... Petitioner

Vs.

1. The Director General of Police

O/o.The Director General of Police,

No.1, Dr.Radhakrishna Salai,

Mylapore, Chennai - 600 004.

2. The Deputy Inspector General of Police

O/o.The Deputy Inspector General of Police,

Madurai Range, Alagarkovil Road, Madurai.

3. The Superintendent of Police

O/o.The Superintendent of Police,

Virudhunagar District, Virudhunagar.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to regularise the service of the petitioner from the period of suspension from 13.09.2016 till now with all monetary and attendant benefits based upon the



W.P.(MD)No.28346 of 2022

order of the 1st respondent dated 11.05.2022 in Rc.No.1798156/AP II (3)/2022 and upon the representation of the petitioner dated 07.10.2022 and 22.11.2022.

For Petitioner : Mr. S.Ramsundar Vijayraj
For Respondents : Mr. S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed for a direction to the respondents to regularize the service of the petitioner from the period of suspension from 13.09.2016 till now with all monetary and attendant benefits based upon the order of the 1st respondent dated 11.05.2022 in Rc.No.1798156/AP II (3)/2022 by considering the representations of the petitioner dated 07.10.2022 and 22.11.2022.

2. The case of the petitioner is that the petitioner was appointed as Grade-II Constable and in the year 2013, he was promoted as Special Sub-Inspector of Police. While he was in service, a case in Crime No.716 of



W.P.(MD)No.28346 of 2022

WEB COPY

2016 was registered against the petitioner, based on which, he was placed under suspension on 13.09.2016. Thereafter, the suspension order was revoked on 30.11.2016. Subsequently, the Enquiry Officer was appointed and the Enquiry Officer has conducted an enquiry and based upon the enquiry report, without considering the petitioner's explanation, the third respondent has passed an order dated 28.04.2017 of compulsory retirement from service. As against the order passed by the third respondent, the petitioner has preferred an appeal before the 2nd respondent on 29.06.2017. The second respondent passed an order on 22.01.2018 modifying the punishment. Thereafter, a review petition was filed by the petitioner before the 1st respondent and the first respondent has passed an order on 11.05.2022, cancelling the order of punishment imposed by the second respondent on 13.09.2016 and the third respondent on 22.01.2018. However, the service of the petitioner was not regularised from the period of suspension (i.e.,) on 13.09.2016 and the monetary benefits have not been paid to the petitioner. Hence, the petitioner made representations on 07.10.2022 and 22.11.2022 for regularizing his service from the date of suspension (i.e.,) 13.09.2016. However, no order has been passed till date.



W.P.(MD)No.28346 of 2022

Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to dispose of the representations of the petitioner, dated 07.10.2022 and 22.11.2022, on merits and in accordance with law, within a specified period.

4. The learned Special Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents to consider the petitioner's representations, dated 07.10.2022 and 22.11.2022 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



WEB COPY



W.P.(MD)No.28346 of 2022

6. With the above direction, this Writ Petition is disposed of. No costs.

16.12.2022

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1. The Director General of Police
O/o.The Director General of Police,
No.1 Dr.Radhakrishna Salai,
Mylapore, Chennai - 600 004.
2. The Deputy Inspector General of Police
O/o.The Deputy Inspector General of Police,
Madurai Range, Alagarkovil Road, Madurai.
3. The Superintendent of Police
O/o.The Superintendent of Police,
Virudhunagar District, Virudhunagar.



WEB COPY



W.P.(MD)No.28346 of 2022

M.DHANDAPANI,J.

ssb

W.P.(MD)No. 28346 of 2022

16.12.2022