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W.P.No.4789 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.4789 of 2022

S.Krishnasamy

... Petitioner

Vs.

1.The Director General of Police,
Law & Order,
Chennai.

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

3.The Additional Superintendent of Police,
Head Quarters,
District Police Office,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent herein to consider and pass orders on the petitioner's representation, dated 24.08.2021, regarding treatment of the period of out of employment from 11.06.2005 to 03.11.2005 and 18.10.2012 to 06.03.2020 as duty for all purposes in accordance with Ruling 9 of Fundamental Rule 54, within a time-frame as deem fit and proper by this Court.



WEB COPY



W.P.No.4789 of 2022

For Petitioner : Mr.G.Bala
for M/s.G.Bala and Daisy

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed to direct the 1st respondent herein to consider and pass orders on the petitioner's representation, dated 24.08.2021, regarding treatment of the period of out of employment from 11.06.2005 to 03.11.2005 and 18.10.2012 to 06.03.2020 as duty for all purposes in accordance with Ruling 9 of Fundamental Rule 54, within a time-frame as deem fit and proper by this Court.

2.It is the case of the petitioner that he was terminated from service on the ground of conviction in a criminal case in C.C.No.335 of 2005 on the file of the Judicial Magistrate No.I, Tiruchirapalli, for the offences under Sections 498-A, 406 and 506(ii) IPC, which has been later set aside by the Revisional Court in CrI.R.C.(MD) No.706 of 2013 on 06.08.2019. Thereafter, the petitioner was reinstated into service on 07.03.2020. It is the grievance of the petitioner that, as per Fundamental Rule 54(9), the period of out of employment is to be treated as duty for all



W.P.No.4789 of 2022

purposes and service benefits. The petitioner has also undertaken before the Revisional Court that he would be satisfied if continuity of service and other benefits alone are given to him and that he would not claim any backwages for the period when he did not work in the Department. Therefore, the petitioner now claims that the out of employment period should be treated as duty with continuity of service for all service benefits. In this regard, the petitioner has also given a representation to the respondents on 24.08.2021. Since the same was not considered, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader, appearing for the respondents.

4.Considering the limited nature of the relief sought for in the present writ petition, there shall be a direction to the 1st respondent to consider the representation of the petitioner, dated 24.08.2021, and pass orders, on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.



W.P.No.4789 of 2022

WEB COPY

5. With the above direction, this writ petition is disposed of. No

costs.

04.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Director General of Police,
Law & Order,
Chennai.
2. The Deputy Inspector General of Police,
Trichy Range,
Trichy.
3. The Additional Superintendent of Police,
Head Quarters,
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WEB COPY



W.P.No.4789 of 2022

N. SATHISH KUMAR, J.
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W.P.No.4789 of 2022

04.09.2023