



W.P.(MD).No.11862 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.05.2023

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.11862 of 2023

and

W.M.P.(MD).Nos.10283 and 10284 of 2023

B.Saravanan

... Petitioner

Vs.

1.The Superintendent of Police,
Thenkasi District Police Office,
Thenkasi District.

2.The Deputy Superintendent of Police,
Alangulam Division,
Thenkasi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Ma.A.No.368/2023, R2/E.V/170/10860/2023 dated 30.04.2023 passed by the 1st respondent and set aside the same.

For Petitioner : Mr.R.Muruga Boopathy

For Respondents : Mr.Baskaran

Additional Advocate General
assisted by Mr.Shanmugavel
Additional Government Pleader.



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ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader for the respondents.

2. The petitioner is presently working as Inspector of Police, Kadayam Police Station, Tenkasi. He applied for unearned leave for 90 days from 01.05.2023 till 29.07.2023. It was granted. However, by the impugned proceedings, it was cancelled. The petitioner had been directed to report for duty. Challenging the same, the present Writ Petition came to be filed.

3. The petitioner is aged about 43 years. He got married in the year 2020. The petitioner's wife has conceived by employing IVF method and she is likely to deliver the child any time.

4. Considering the facts and circumstances of the case, I am of the view that the petitioner has to be with his wife at the time of delivery and at least for a few weeks thereafter. It appears that the petitioner's wife is likely to deliver the child through cesarean operation on 15.05.2023. The petitioner gives an undertaking that he will report for duty positively by 16.06.2023. The



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petitioner is permitted to give a representation to the first respondent in this regard. The first respondent is directed to re-visit the issue and issue appropriate proceedings by favourably considering the petitioner's representation.

5. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.05.2023

Index : Yes / No
Internet : Yes/ No
Lm/Rmi

To

- 1.The Superintendent of Police,
Thenkasi District Police Office,
Thenkasi District.
- 2.The Deputy Superintendent of Police,
Alangulam Division,
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G.R.SWAMINATHAN, J.

Lm/Rmi

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