



W.P.(MD).No.15190 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15190 of 2021

A.Simon William Rajadurai

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its
The Additional Chief Secretary to Government,
Home (Police V) Department,
Secretariat,
Chennai 600 009.
2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
807, 2nd Floor, Anna Salai,
Chennai – 600 004.
3. The Director General of Police,
Mylapore,
Chennai – 600 002.
4. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.
5. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the period of suspension as duty period and grant annual increment along with arrears and consequential benefits in the light of the proceedings in C.No.C4/14372/2017, dated 15.03.2018 on the file of the fourth respondent within the period as may be stipulated by this Court.

For Petitioner : Mr.Aswin Rajasimman
for Mr.Pandi Dorai

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed by a Grade -I Constable seeking a mandamus to regularize the period of suspension.

2. According to the learned counsel appearing for the petitioner, in view of his involvement in a criminal case, he was placed under suspension on 10.02.2011 and the said suspension was revoked on 28.12.2011. In the departmental proceedings, punishment was imposed upon him on 01.03.2013. When the petitioner approached the authorities for regularization of the suspension period, an order was passed on 15.03.2018 by the fourth



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respondent herein that his request for regularization of the suspension period will be considered after the disposal of the criminal proceedings.

3. According to the learned counsel appearing for the writ petitioner, the criminal case as against the writ petitioner in Crime No.44 of 2011 which culminated in C.C.No.124 of 2018 was quashed by this Court in Crl.O.P(MD) No.16316 and 17614 of 2018, dated 26.09.2018. Thereafter, the petitioner had made a request on 10.06.2021 to regularize his suspension period. On 09.07.2021, the fifth respondent herein has addressed a communication to the writ petitioner to the effect that they are awaiting the legal opinion from the department and therefore, after receiving opinion from the Government, they will take a final decision. However, so far no orders have been passed. Hence, the present writ petition.

4. The facts narrated above clearly indicate that the departmental proceedings and the criminal proceedings initiated as against the writ petitioner have culminated and therefore, there is no legal impediment for the authorities to consider the request of the writ petitioner for regularizing the suspension period.



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5. In view of the above said facts, the fifth respondent herein is directed to consider the request of the petitioner for regularization of service of the petitioner during the suspension period based upon the Rule 54 of the Fundamental Rules as applicable and pass orders on merits in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petitions stands disposed of. There shall be no order as to costs.

08.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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