



W.P.(MD)No.6001 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6001 of 2018

and

W.M.P(MD)No.5870 of 2018

K.Govindasamy
PC 1260(RMD),
Formerly PC 1255 (KKI),
Armed Reserve,
Ramanathapuram.

... Petitioner

Vs.

- 1.The Inspector General of Police,
South Zone,
Madurai.
- 2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.
- 3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.



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4.The Superintendent of Police
Kanyakumari District.

5.The Superintendent of Police,
Ramanathapuram District.

6.The Deputy Superintendent of Police,
Armed Reserve,
Ramanathapuram District.

7.Muthuramalingam,
The Inspector of Police,
Armed Reserve,
Ramanathapuram.

8.Lawrance (SSI)
Duty Sub Inspector of Police,
Armed Reserve,
Ramanathapuram.

9.Roselett (SI),
Duty Sub Inspector of Police,
Armed Reserve,
Ramanathapuram.



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10.Rahtinakumar (SSI),
Duty Sub Inspector of Police,
Armed Reserve,
Ramanathapuram

11.Karupaiya (SSI),
Duty Sub Inspector of Police,
Armed Reserve,
Ramanathapuram

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order 'The Desertion Order' vide Na.Ka.No.N. 2/Vi.Su.613/2018, Ma.Anai No.153/2018, dated 20.02.2018 passed by the fifth respondent and quash the same and consequently direct the respondents to allow the petitioner to join duty with continuity of service with all back wages and attendant benefits for the period the petitioner was out of employment.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mrs.K.Christy Theboral - for R1 to R6
Additional Government Pleader



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ORDER

This writ petition has been filed to quash 'The Desertion Order' vide Na.Ka.No.N.2/Vi.Su.613/2018, Ma.Anai No.153/2018, dated 20.02.2018 passed by the fifth respondent and quash the same and consequently direct the respondents to allow the petitioner to join duty with continuity of service with all back wages and attendant benefits for the period the petitioner was out of employment .

2. The case of the petitioner is that the petitioner was enlisted as a Grade-II Police Constable in the year 2003 and his post was upgraded as a Grade-I Police Constable in the year 2013. While so, the petitioner has deserted from service on the ground that the petitioner not continuously absent for a period of 21 days from 24.01.2018 to 13.02.2018 and permitted the petitioner to join duty by the respondents within a period of 60 days. Challenging the desertion order passed by the respondents, the present writ petition is filed.



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3. The learned counsel for the petitioner submitted that after filing of the writ petition, the petitioner rejoined the duty and thereafter, they passed an order of Compulsory Retirement from service. Challenging the compulsory retirement from service, the petitioner preferred a revision petition before the Revisional Authority.

4. In view of the above, this writ petition is dismissed as infructuous with liberty to the petitioner to work out his remedy, after disposal of the revision petition filed by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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- 3.The Deputy Inspector General of Police,
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Ramanathapuram.
- 4.The Superintendent of Police
Kanyakumari District.
- 5.The Superintendent of Police,
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- 6.The Deputy Superintendent of Police,
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M.DHANDAPANI, J.

RM

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