



Writ Petition No.22891 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/12/2024

C O R A M

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

Writ Petition No.22891 of 2022

a n d

W.M.P.No.21919 of 2022

T. Maria Albert

...

Petitioner

Vs

1. The Home Secretary to Government
Home Department
Fort St. George, Secretariat
Chennai 9.
2. The Director General of Police
Mylapore, Chennai.
3. The Inspector General of Police
Police Training College
Ashok Nagar, Chennai 83.
4. The Superintendent of Police
Villupuram District.
5. The Superintendent of Police
Police Training College
Ashok Nagar
Chennai 83.

6. Suresh Babu



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Additional Superintendent of Police-cum-Principal
The Police Training School
Kolliankulam
Villupuram District.

7. Geetha Bai
Superintendent
The Police Training School
Villupuram District.

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Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to disburse the petitioner's arrears of salary and consequently, direct the respondent Nos.1 and 5 to take action against the respondents 6 and 7 for misusing their official position by considering the petitioner's representation dated 5/8/2022.

For petitioner

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Mr.Sujan
for Mr.D.R.Arunkumar

For respondents

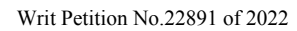
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Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
for R.R.1 to 5

Mr.Nagesh Babu
for R.R.6 and 7.

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ORDER



This writ petition has been filed to direct the respondents to disburse

2. The facts in brief which are necessary for the disposal of this writ

The petitioner joined as Junior Assistant in the office of the second

3. The Principal Superintendent of Police, Police Training College,



the orders of the Principal, Police Training College, Ashok Nagar, Chennai.

Therefore, he was relieved from Police Training School, Viluppuram @ Kolliyankunam on 9/5/2022 Fore Noon, as per the orders of the Principal/Superintendent of Police. But the petitioner was refused to receive orders, when it was served on him on 9/5/2022.

4. It is further stated in the counter affidavit that though the petitioner had failed to report for duty and absent from 5/5/2022, his salary was paid for the months of May and June, 2022 by the Principal, Police Training School, Villupuram. As the petitioner was continued to remain absent on his own accord with effect from 9/5/2022, his pay was stopped from the month of July, 2022 onwards as per the orders of Principal/Superintendent of Police, Police Training College, Chennai.

5. Heard Mr.Sujan, learned counsel for the petitioner, Mr.R.U.Dinesh Kumar, Additional Government Pleader for the respondents 1 to 5 and Mr.Nagesh Babu, learned counsel for the respondents 6 and 7.

6. The learned counsel appearing for the petitioner submitted that as a dutiful Office Assistant, the petitioner had questioned the illegal claims and



misappropriations that are being committed by the respondents 6 and 7. Till date, no proceedings were initiated against the petitioner and in this regard, sudden stoppage of salary without following due process of law is nothing but an infringement of fundamental right guaranteed under Article 21 of the Constitution of India.

7. The learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the writ petitioner has neither joined duty or applied for leave and he is absent for duty from 5/5/2022. Hence, his unauthorised absence was treated as absent on “No Work No Pay” basis and his salary was stopped.

8. Perused the materials available on record.

9. Admittedly, relieving order dated 9/5/2022 was issued by the Principal/Additional Superintendent of Police, Police Training School, Villupuram @ Kolliyangunam, but the petitioner has refused to receive the orders, when it was served. The petitioner has filed the instant writ petition hiding his willful absence from 5/5/2022. He has concealed his improper activities which led to his transfer on O.D basis to Police Training College,



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Chennai. In such a view of the matter, the petitioner cannot claim salary and his salary and other benefits for the absent period will be treated as No Work No Pay basis and hence, his plea deserves no consideration.

10. In the result, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

19/12/2024

mvs.

Index: yes/No

Neutral Citation: Yes/No

To

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VIVEK KUMAR SINGH,J

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