



W.A(MD)No.2059 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

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CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.2059 of 2024
and
CMP(MD)No.14707 of 2024**

1. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.

2. The Commissioner of Police,
Madurai City,
Madurai.

3. The Deputy Commissioner of Police (L & O),
Madurai City,
Madurai.

... Appellants

vs.

A.Paulraj Pandian

... Respondent

Prayer : Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.16257 of 2020 dated 08.03.2023.

For Appellants : Mr.SRA.Ramchandran
Additional Government Pleader
For Respondent : Mr.R.Venkatesan



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JUDGMENT

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

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Challenge in this appeal is to the order of the Writ Court modifying treatment of the period of suspension and the period during which the respondent was out of employment.

2. The respondent who was working in the Police Department, was charged with various delinquencies. An enquiry was conducted and the disciplinary authority imposed a punishment of compulsory retirement by order dated 12.02.2019. It is also stated that the respondent was under suspension between 11.07.2014 and 02.02.2015. The punishment of compulsory retirement was challenged and the appellate authority modified the punishment as one of stoppage of increment for two years without cumulative effect. Once this was done, the respondent sought for regularisation of the suspension period and the period during which he was out of employment. The learned Single Judge has directed that his suspension period should be treated as period on leave because he has not been fully exonerated and therefore, the invocation of Rule 54-B-9 of the Fundamental Rules is incorrect. However, for the period during which the petitioner was out of employment that is, the period between 12.02.2019 and 06.08.2019, the learned Single Judge has directed that the said period to be treated as on duty for all purposes since the petitioner was out of



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service because of the punishment imposed by the disciplinary authority and not because of the suspension. Therefore, we are unable to fault the learned Single Judge for having made a distinction between the two periods and for having granted the benefit of the period during which he was out of employment because of the punishment imposed. The Writ Appeal, therefore, fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)
21.10.2024

Index : Yes / No
Neutral Citation : Yes / No
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JUDGMENT MADE IN
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