



W.P.(MD).No.17890 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17890 of 2024
and WMP(MD) No.15347 of 2024

Kumararaja

... Petitioner

Vs

1. The Deputy Secretary to the Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Deputy Inspector General of Police,
Madurai Range,
Madurai.

3. The Superintendent of Police,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent in DO No. 1304/2017 C.No.L2/L.R.803/040321/2017, dated 28.12.2017 and quash the same and consequently direct the respondents to consider the petitioner's promotion with par with his batchmates within the time frame stipulated by this Honourable Court.



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For Petitioner : Mr. S.Srikanth

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

Heard Mr.S.Srikanth, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, for the respondents.

2.The petitioner has filed this petition challenging the order DO No.1304/2017 C.No.L2/L.R.803/040321/2017, dated 28.12.2017, through which the petitioner's substantial portion of period of suspension has been treated as leave on loss of pay.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The records would show that the petitioner was kept under suspension from 30.09.2006 to 06.12.2013. While regularizing the period of



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suspension, the third respondent has passed the order to treat 2373 days ie., between 09.06.2007 to 06.12.2013 as leave on loss of pay.

5.The learned counsel for the petitioner submitted that if the above period is considered as leave on loss of pay that will not be included in service of the petitioner and it will not be considered for promotional opportunities.

6.The petitioner has been acquitted in a criminal case, due to which, he was kept under suspension. In the disciplinary proceedings initiated against the petitioner, he has also been punished with stoppage of annual increment for a period of two years with cumulative effect. Despite the petitioner has challenged the said order before the first respondent and the same got confirmed, thereafter, he did not challenge.

7.Considering the gravity of charge and the petitioner's request that he would get continuity of service, I feel that the petitioner can make a fresh requisition to the third respondent and on receipt of the same the third respondent shall reconsider and pass orders afresh within a period of four weeks from the date of receipt of copy of this order. Accordingly, this writ



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petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

31.07.2024

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

To

1. The Deputy Secretary to the Government,
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2. The Deputy Inspector General of Police,
Madurai Range,
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3. The Superintendent of Police,
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R.N.MANJULA, J.

PNM

**ORDER IN
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and WMP(MD) No.15347 of 2024**

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