



WP(MD)No.25477 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.25477 of 2022
and
WMP(MD)No.25355 of 2023

A.Simon William Rajadurai

.. Petitioner

v.

1.The Director General of Police,
Tamil Nadu,
Chennai – 4.

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

3.The Superintendent of Police,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in 'F' Order PR.No.36/2011 u/r 3(b)



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dated 01.03.2013 on the file of the third respondent and the impugned order in C.No.C4/AP.90/2013 dated 11.02.2014 on the file of the second respondent and the impugned order in Rc.No.077205/AP.2(1)/2015 dated 16.12.2016 on the file of the first respondent and the impugned order in D.O.No.301/2011/C.No.P1/PR.36/2011 dated 04.04.2022 on the file of the third respondent and the consequential impugned order in C.No.R4/EL106/8263/2022/DO.No.790/2022 dated 08.08.2022 on the file of the third respondent, quash the same and consequently, directing the respondents to treat the period of suspension from 01.01.2011 to 28.12.2011 as duty period and provide all the consequential monetary benefits to the petitioner.

For Petitioner : Mr.Ashwin Rajasimman
for Mr.J.Pandi Dorai

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

The petitioner is a Grade I Constable. He was issued with a charge memo under Rule 3(b) of the Tamil Nadu Police Subordinate Service



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(Discipline and Appeal) Rules in PR.No.36 of 2011. He has filed this writ petition as against the order of punishment passed in PR.No.36 of 2011 dated 01.03.2013 and the consequential orders passed by the appellate as well as revisional authorities dated 11.02.2014 and 16.12.2016, respectively, confirming the order of punishment. The petitioner has also challenged the order dated 08.08.2022 of the third respondent treating the suspension period from 01.01.2011 to 28.12.2011 as eligible leave.

2.The petitioner has filed yet another writ petition before this Court in WP(MD)No.15190 of 2021 for a mandamus directing the respondents to regularize the period of suspension as duty period and to grant annual increment along with arrears, in the light of the proceedings of the second respondent herein dated 15.03.2018. This Court, by order dated 08.11.2023, disposed this writ petition with a direction to the third respondent herein to consider the petitioner's request for regularization, during the suspension period, based upon the Rule 54 of the Fundamental Rules and to pass orders on merits.



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3. Pursuant to the order passed by this Court in WP(MD).No.15190 of 2021, the third respondent herein has passed an order dated 04.04.2022, treating the suspension period as eligible leave period, instead of treating it as duty period. This order was also challenged by the petitioner before this Court in WP(MD)No.12741 of 2024 and this Court, by order dated 14.06.2024, disposed that writ petition, by remitting the matter for fresh consideration to the third respondent herein.

4. It is reported that the third respondent herein has now passed a fresh order on 18.09.2024, pursuant to the direction issued in WP(MD)No. 12741 of 2024, dated 14.06.2024. This order dated 18.09.2024 has also been served on the petitioner.

5. Considering the subsequent developments that took place, this writ petition is closed with liberty to this petitioner to work out his remedy in the manner known to law.



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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

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NCC : Yes / No

Internet : Yes

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To

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

3.The Superintendent of Police,
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B.PUGALENDHI, J.

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