



W.P.No.30715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.No.30715 of 2023

A.Govindaraj

.. Petitioner

Vs.

1. The Director General of Police,
Law & Order, Chennai

2. The Deputy Commissioner of Police,
Armed Reserve I, Armed Reserve,
Chennai

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India

praying for issuance of a writ of Mandamus directing the first respondent

herein to consider and pass orders on merits and in accordance with law on



W.P.No.30715 of 2023

the petitioner's representation dated 24/01/2019 regarding treatment of the period of out-of employment from 9/11/2005 to 14/12/2016 as duty for all purposes under Ruling 9 of Fundamental Rules 54, within a time frame as deemed fit and proper by this Hon'ble Court or any other appropriate Writ, Order, Direction in the nature of a Writ or another appropriate relief as this Hon'ble Court may deem fit in the circumstances of the case.

For Petitioners : M/s.G.Bala and Daisy

For Respondent : Mr.R.U.Dinesh Rajkumar, AGP

ORDER

This Writ Petition has been filed for a direction directing the 1st respondent to consider the representation submitted by the petitioner dated 24.01.2019 on merits and in accordance with law seeking to treat the period out of employment from 09.11.2005 to 14.02.2016 as duty for all purposes.



W.P.No.30715 of 2023

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner joined the Police Department as a Grade II Police Constable on 31.10.1997. Subsequently, he was placed under suspension with effect from 12.08.2004, as he was involved in a criminal case in Crime No.583/2004 for offences punishable under Sections 420, 468, and 471 IPC. While the criminal case was pending, disciplinary proceedings were initiated against the petitioner, and after enquiry, the Enquiry Officer held that the charges framed against the petitioner were proved.. Ultimately, the disciplinary authority accepted the findings of the enquiry officer and removed the petitioner from service on 09.11.2005. Subsequently, after his acquittal in the criminal case, the petitioner was reinstated into service on 15.12.2016 with a modified punishment of postponment of increment for three years which shall operate to his future increments. Further, after



W.P.No.30715 of 2023

explanatioin submitted by the petitioner to the show cause notice dated 10.10.2017, the 2nd respondent passed an order treating the period of suspension from 09.11.2005 to 14.12.2016 as duty for all purposes under Fundamental Rule 54(9). Thereafter, on 10.09.2018, the 2nd respondent issued a revised order stating that since the petitioner had been awarded statutory punishment in the Punishment Roll and reinstated into service, the out of employment period from 09.11.2005 to 14.12.2016 was ordered to be settled as eligible leave including EOL to the extent necessary.

4. In view of the above, this Court is of the opinion that the period during which the petitioner remained out of employment cannot be treated as duty period, as he did not discharge any duty during the said period. Therefore, the request made by the petitioner is not feasible for consideration. Accordingly, the writ petition stands dismissed. No costs.



W.P.No.30715 of 2023

03.11.2025

WEB COPY

shr

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Director General of Police,
Law & Order, Chennai

2. The Deputy Commissioner of Police,
Armed Reserve I, Armed Reserve,
Chennai



WEB COPY



W.P.No.30715 of 2023

G.K. ILANTHIRAIYAN, J.

shr

W.P.No.30715 of 2023



WEB COPY



W.P.No.30715 of 2023

03.11.2025