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W.P.No.156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

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THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.156 of 2024

V.James Selvadurai

.... Petitioner

Vs

1.The Deputy Commissioner of Police,
Traffic, North, Vepery, Chennai – 7.

2.The Joint Commissioner of Police,
Traffic, North, Vepery, Chennai – 7.

3.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 7.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents in connection with the impugned order passed by the first respondent in R.C.No.PR14/PR5/CPO/2012 TZO No.898/2021 dated 29.10.2021 and the impugned order passed by the second respondent in Na.Ka.No.Traffic/Leave(S)/1990/17855/2021 Traffic Region Order No.625/2023 dated 02.08.2023, quash the same and direct the respondents to treat the period out of employment as duty for all purposes and grant him all consequential service and benefits, including promotion.

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For Petitioner : Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 29.10.2021 passed by the first respondent, thereby ordering for reinstatement with the punishment of postponement of increment for one year without cumulative effect.

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

3.Though the present writ petition has been filed challenging the order dated 29.10.2021 passed by the first respondent, thereby ordered for reinstatement with the punishment of postponement of increment for one year without cumulative effect, the learned Senior Counsel for the petitioner did not press the said relief and instead pressed for challenging the order passed by the second respondent dated 02.08.2023, insofar as it relates to the treatment of the period of non-employment. Initially, the petitioner was



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charged and imposed with the punishment of compulsory retirement, which was challenged before this Court in W.P.No.14379 of 2016. This Court, by order dated 12.07.2021, set aside the order of punishment and remitted the matter to the disciplinary authority for passing fresh orders. Thereafter, the disciplinary authority set aside the punishment of compulsory retirement and ordered reinstatement of the petitioner with the punishment of postponement of increment for one year without cumulative effect. Further, by order dated 02.08.2023, the period during which the petitioner was kept out of service on account of compulsory retirement was treated as follows:

- “(i) 24.03.2014 to 30.07.2014 : 129 days as EL
- (ii) 31.07.2014 to 26.01.2015 : 180 days UEL (P)
- (iii) 27.01.2015 to 31.10.2021 : 2470 days LWP (P)

It is submitted that in the departmental disciplinary proceedings, on remittal by the Court to the Disciplinary authority, the Deputy Commissioner of Police, Traffic, North, Greater Chennai Police took a lenient view and modified the punishment of compulsory retirement into that of postponement of increment for one year without cumulative effect, since the charge against the petitioner herein has roved by the oral Enquiry Office.

(ii) It is respectfully submitted that the petitioner herein has produced the F.R.54-A for his claim. As per



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F.R.54-A(1), it is clearly stated that where the dismissal, removal or compulsory retirement of a Government servant is set aside by a Court of law and such Government Servants is reinstated, without holding any further inquiry, the period of absence from duty shall be regularized and the Government servant shall be paid pay and allowances. In this case, the Hon'ble High Court of Madras, after setting aside the punishment, with direction to pass fresh orders. The Hon'ble High Court has not set aside the proved charge and hence the delinquency of the petitioner herein stands. The Hon'ble High Court of Madras has only set aside the punishment and remitted the matter to the Disciplinary authority for passing fresh orders in the Punishment Roll against the petitioner herein for the proven charge. Since a statutory punishment of postponement of increment for one year without cumulative effect was passed by the disciplinary authority. Hence as per F.R.54, the out of employment period of the petitioner has been rightly settled as eligible leave including the E.O.L. To the extend necessary.”

4. When the period of compulsory retirement has been treated as leave as above, the petitioner is entitled to have the said period counted as continuous service for the purpose of terminal and pensionary benefits. In any event, the continuation of service ought not to be affected. As per the



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order dated 02.08.2023, though the petitioner is not entitled to monetary benefits for the said period, the same is liable to be taken into account for the purpose of pensionary and terminal benefits.

5.In view of the above, the order passed by the first respondent cannot be sustained and is liable to be quashed. Accordingly, the order dated 29.10.2021 passed by the first respondent, is hereby quashed. The respondents are directed to treat the period from 24.03.2014 to 31.10.2021 as qualifying service for the purpose of granting terminal and pensionary benefits at the time of the petitioner's retirement.

6.With the above observation and direction, this Writ Petition is allowed. No costs.

26.11.2025

Neutral citation :Yes/No
Index:Yes/No
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