



W.P.(MD)No.4210 of 2021

WEB COPY

DATED: 23.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.4210 of 2021

P.Sakkarapani (Died)

2.P.Janagi

3.S.Satheeskumar

4.Sathiyavani

5.Ponmalar

: Petitioners

*[P2 to P5 are impleaded vide court order dated 05.04.2024 in
W.M.P.(MD)No.16446 of 2021 in W.P.(MD)No.4210 of 2021]*

Vs.

1.The Director General of Police and

Head of Police Force of Tamil Nadu,

Dr.Radhakrishnan Salai,

Mylapore,

Chennai – 600 004.

2.The Deputy Inspector General of Police,

Dindigul Range,

Dindigul.



W.P.(MD)No.4210 of 2021

WEB COPY

3.The Superintendent of Police,
Theni District,
Theni.

4.The Principal Accountant General (A & E),
161, Anna Salai,
Teynampet,
Chennai – 600 018.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order D.O.No.684/2009-C.No.F1/PR.45/2001 dated 15.06.2009 passed by the third respondent and quash the same and consequently direct the respondents to treat the non-employment period from 06.08.2001 to 26.12.2001 and compulsory retirement period from 27.12.2001 to 11.03.2008 as duty period and disburse full salary for the said period and promote the petitioner as Head Constable and SI from the eligible dates consequently, sanction and disburse revised pensionary benefits within a time limit to be fixed by this Court.



WEB COPY



W.P.(MD)No.4210 of 2021

For Petitioner : Mr.T.Sakthikumaran
For Respondents 1 to 3 : Mr.A.Baskaran,
Additional Government Pleader
For Respondent No.4 : Mrs.S.Mahalakshmi,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 15.06.2009 passed by the third respondent rejecting the request to treat the non-employment period from 06.08.2001 to 26.12.2001 and compulsory retirement period from 27.12.2001 to 11.03.2008 as duty period.

2.The petitioner, P.Sakkarapani, who had filed this Writ Petition was working in the respondent department. While in service through the punishment imposed by the respondents he has compulsorily retired from service. The said order was challenged by the petitioner before this Court and in the Writ Petition filed by the petitioner, the compulsory retirement order was quashed and the matter was remanded back to the respondents for fresh consideration. Based on the directions issued by this Court in the earlier Writ Petition filed before this Court, final orders were passed by the official respondents modifying the punishment from one of



W.P.(MD)No.4210 of 2021

compulsory retirement to one of reinstating the petitioner into service and also imposing the punishment of postponement of increment for three years and the same shall not operate to postponing his future increments. The modified order was passed on 29.05.2008. Admittedly, the petitioner P.Sakkarapani, was satisfied with the modified order dated 29.05.2008 and pursuant to the same he has also been reinstated into service and he has also accepted the modified punishment order.

3.This Writ Petition has been filed by P.Sakkarapani, only after his retirement in 30.06.2015, that too, only in the year 2021. The petitioner claims that since the punishment of compulsory retirement has been quashed, his non-employment period from 06.08.2001 to 26.12.2001 and compulsory retirement period from 27.12.2001 to 11.03.2008 will have to be treated as duty period and full salary has to be disbursed for the said period and his request for the same has been rejected under the impugned order dated 15.06.2009 passed by the third respondent.

4.The respondents as seen from their respective counters have contended that since the petitioner was not employed during the subject period on account of the compulsory retirement order,



W.P.(MD)No.4210 of 2021

the employee cannot claim the said period to be treated as duty period and cannot also claim full salary.

5. During the pendency of this Writ Petition, P.Sakkarapani, [original petitioner] died and his legal representatives have been brought on record as petitioners herein, pursuant to orders passed by this Court on 05.04.2024. Learned Counsel for the petitioner relied upon the following authorities in support of his contention that the employee's absence during the subject period has to be treated as duty period and the employee is also entitled for backwages:

a) a decision rendered by the learned Single Judge of this Court dated **17.02.2021** passed in **W.P.No.14407 of 2012** in the case of **K.S.Ramakrishnan Vs. The Director General of Police & others.**

b) a decision of the learned Single Judge of this Court in the case of **K.Mohana Sundaram & others Vs. Board of Directors & others reported in 2021 SCC online Mad 5202.**

6. Learned Counsel for the petitioner also relied upon the following decisions of the Hon'ble Supreme Court in support of his contention that the petitioner is entitled for treating the subject period as duty period:



W.P.(MD)No.4210 of 2021

WEB COPY

a) ***Devendra Pratap Narain Rai Sharma Vs. State of Uttar Pradesh & others*** reported in ***1961 SCC Online SC 90***.

b) ***Manorma Verma (SMT) Vs. State of Bihar & others*** reported in ***1994 Supp (3) SCC 671***.

7.Learned Counsel for the petitioner also relied upon a Division Bench judgment of the Madras High Court rendered in ***W.A.No.267 of 1980 dated 24.07.1985, in the case of Marimuthu (K.P.) (deceased) (by legal representatives) & others Vs. Superintendent of Police, Dharmapuri & others***, also in support of the very same contention that the subject period will have to be treated as a duty period of the petitioner.

8.On the other hand, learned Additional Government Pleader appearing for the respondents 1 to 3 as well as the learned Standing Counsel appearing for the fourth respondent would submit that on the ground of laches, this Writ Petition is not maintainable for the following reasons:

a) the punishment order of compulsory retirement was quashed by the orders of this Court on 13.11.2007 itself;



W.P.(MD)No.4210 of 2021

WEB COPY

b) the impugned order rejecting the original writ petitioner's request for treating the subject period as duty period was passed on 15.06.2009, whereas this Writ Petition has been filed only in the year 2021;

c) the original writ petitioner has also retired from service on 13.06.2015 itself and he has chosen to file this Writ Petition only after his retirement.

9.Even on merits, the learned Additional Government Pleader appearing for the respondents 1 to 3 as well as learned Standing Counsel appearing for the fourth respondent would submit that the subject period cannot be treated as duty period since the petitioner was admittedly not under the employment of the respondents during the said period. The modified order modifying the punishment of the petitioner to one of postponement of increment for three years and the same shall not operate to postpone his future increments, does not also stipulate that the subject period will have to be treated as duty period. Therefore, according to them, the subject period cannot be treated as duty period and has been rightly rejected under the impugned order.



W.P.(MD)No.4210 of 2021

WEB COPY

10.At the outset, the petitioner will have to satisfy as to whether there were laches on his part in approaching this Court. The following are the undisputed facts:

a) the punishment order of compulsory retirement was quashed by the orders of this Court as early as on 13.11.2007 itself;

b) the impugned order rejecting the original writ petitioner's request for treating the subject period as duty period was passed as early as on 15.06.2009 itself.

c) the original writ petitioner also retired from service on 30.06.2015. However, the original writ petition chose to file this Writ Petition only in the year 2021 ie., after a lapse of more than 11 years from the date when the respondents modified the punishment order which is on 15.06.2009.

11.With regard to the laches, learned Counsel for the petitioner relied upon a decision of the Hon'ble Supreme Court in the case of ***Union of India & others Vs. Tarsem Singh*** reported in ***(2021) 14 SCC 338***, wherein the Hon'ble Supreme Court was dealing with a case of payment of arrears and disability pension. In fact, in the said decision, the Hon'ble Supreme Court did not interfere with the judgment of the High Court on the ground of



W.P.(MD)No.4210 of 2021

equity, only due to the fact that pursuant to directions issued by the High Court, the employee had in fact received the arrears of pension and only on that ground, the Hon'ble Supreme Court did not interfere with the order of the High Court. In the aforesaid decision, the law relating to laches was not the subject matter of consideration by the Hon'ble Supreme Court as the Hon'ble Supreme Court only based on equity did not interfere with the order of the High Court which had directed payment of arrears and disability pension and the same was also received by the said employee pursuant to the said directions.

12.In the case on hand, the petitioner's case is certainly hit by the ground of laches. If this Writ Petition is allowed to be entertained by this Court, there will not be any finality to any litigation though Limitation Act may not be strictly applicable to the Writ Petitions filed under Article 226 of the Constitution of India. It is settled law that any legal action will have to be initiated within a reasonable period. When it is an admitted fact that (a) a punishment order of compulsory retirement was quashed by this Court on 13.11.2007 itself and (b) the impugned order rejecting the original petitioner's request for treating the subject period as duty period was passed on 15.06.2009 and (c) the petitioner also retired from



W.P.(MD)No.4210 of 2021

service on 30.06.2015, but however, chose to file this Writ Petition only in the year 2021 ie., after a lapse of more than 11 years from the date when the punishment order was modified, the question of interfering with the impugned order at this belated stage does not arise on the ground of laches.

13.Since on the ground of laches the petitioner has miserably failed, there is no need for this Court to discuss with regard to the merits of the petitioner's claim. Only on the ground of laches, this Court is not entertaining this Writ Petition.

14.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

23.10.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



WEB COPY



W.P.(MD)No.4210 of 2021

To

- 1.The Director General of Police and
Head of Police Force of Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.
- 2.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.
- 3.The Superintendent of Police,
Theni District,
Theni.
- 4.The Principal Accountant General (A & E),
161, Anna Salai,
Teynampet,
Chennai – 600 018.



WEB COPY



W.P.(MD)No.4210 of 2021

ABDUL QUDDHOSE., J.

MR

W.P.(MD)No.4210 of 2021

23.10.2025