



W.P.(MD)No.16247 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.04.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD) No.16247 of 2021

and

W.M.P.(MD) Nos.13100 and 13101 of 2021

S.Natchathiram

... Petitioner

vs.

1.The Additional Director General of Police,
(Civil Supplies CID),
5A, Chamier's Road,
Nandanam,
Chennai 600 035.

2.The Inspector of Police,
CSCID, Madurai Unit,
Karpaga Nagar 10th Street,
K.Pudur,
Madurai 625 007.

3.The Superintendent of Police,
Madurai District Police Office,
Surveyor Colony,
Madurai 625 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Order R.C.No.A2/2996/2021-CSO No.___/2021 dated 04.06.2021 passed by the 1st respondent and quash the same and consequently, to direct the



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respondents-1 and 3, to restore the Casual Leave of five days from 11.11.2020 to 15.11.2020 as granted by the 2nd respondent on 10.11.2020, within a time limit to be fixed by this Court and grant cost.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This Writ Petition has been filed with the following prayer:-

“Writ of Certiorarified Mandamus, calling for the records relating to the Order R.C.No.A2/2996/2021-CSO No.__/2021 dated 04.06.2021 passed by the 1st respondent and quash the same and consequently, to direct the respondents-1 and 3, to restore the Casual Leave of five days from 11.11.2020 to 15.11.2020 as granted by the 2nd respondent on 10.11.2020, within a time limit to be fixed by this Court and grant cost.’

2.The facts of the case, in a nutshell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

2.1.The petitioner was appointed as a Grade II Police Constable on 01.11.1995 and he was promoted as a Head Constable on 01.11.2010 and was



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upgraded as a Special Sub Inspector on 01.11.2020. The petitioner, while working in the office of Civil Supplies CID (CSCID), Madurai Unit, applied for casual leave for a period of 4 days from 10.11.2020 to 13.11.2020 and also sought permission to avail holidays for a period of 2 days ie., from 14.11.2020 to 15.11.2020, on some personal ground. On 10.11.2020, the second respondent sanctioned casual leave for the aforesaid 6 days to the petitioner.

2.2. On 12.11.2020, the second respondent, through a messenger, served a Relieving Order Memo No.03/Kaa.Aa/Ku.Po.Va.Ku.Pu.Thurai/Madurai Unit/2020 dated 11.11.2020, relieving the petitioner from CSCID Unit from 11.11.2020 at 12.00 noon, referring the Repatriation Order No.A1/6399/2020-CSO.No.141/2020, dated 10.11.2020, issued by the first respondent stating that the petitioner's name was found in a Vigilance and Anti Corruption case.

2.3. After the issuance of the reliving order dated 11.11.2020, the third respondent did not issue any order, cancelling the casual leave already sanctioned to the petitioner by CSCID Unit and did not recall the petitioner to join duty forthwith at Madurai District Police Office by cancelling the casual



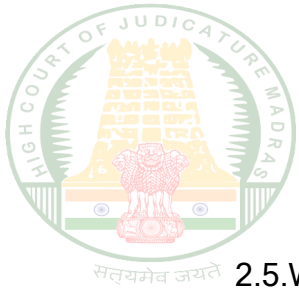
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leave. Therefore, the petitioner joined duty on 16.11.2020 and thereafter, vide order dated 17.11.2020, the petitioner was transferred to Appanthirupathi Police Station and relived from Control Room duty on 19.11.2020. In compliance of the same, he joined duty on 20.11.2020 at Appanthirupathi Police Station. After that, the first respondent issued last pay certificate dated 14.12.2020 to the petitioner stating as follows:-

“The pay and allowance on 01.11.2020 to 10.11.2020 may be drawn and paid to him at this office Head of Account. He is entitled to draw pay and allowance from 11.11.2020 onwards at the rate as admissible at your end.”

2.4.Hence, the petitioner is eligible for salary for a period of 10 days (ie., 9 days duty period from 01.11.2020 to 09.11.2020 and 1 day causal leave period on 10.11.2020) from CSCID Unit and the salary from 11.11.2020 onwards at Madurai District Police, but the third respondent did not pay the salary from 01.11.2020. In this regard, the petitioner made representations dated 30.12.2020, 14.01.2021 and 27.01.2021 to the third respondent requesting him to disburse the salary from 01.11.2020.



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2.5.While so, the third respondent had issued a memo in Na.Ka.No.A2/033302/203/2020 dated 04.02.2021, making vague allegations against the petitioner, for which the petitioner has submitted his reply on 06.02.2021, denying the allegations. Subsequently, the second respondent issued the pay order dated 15.02.2021, to admit the pay and allowances for 9 days duty period and 2 days casual leave period ie., from 01.11.2020 to 11.11.2020 under CSCID, Madurai Unit and from 16.11.2020 onwards in Madurai District. But the third respondent had drawn and credited the salary to the petitioner from 10 days, which is against the said pay and order and further the salary was denied for 5 days casual leave period ie., from 11.11.2020 to 15.11.2020. Therefore, the petitioner sent a legal notice, dated 16.04.2021, to the respondents, requesting them to draw and disburse the pay and allowances for the aforesaid period and the third respondent sent a reply on 29.04.2021 stating that the pay and allowances will be paid, after receiving reply from the first respondent for the letters dated 15.02.2021 and 03.04.2021. Therefore, the petitioner sent another representation dated 06.05.2021 to the third respondent with a request to draw his salary for the period from 11.11.2020 to 15.11.2020. But the same is not considered by the third respondent till date. Hence, this Writ Petition has been filed, seeking the relief as stated supra.



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3.Mr.P.Thambidurai, learned Government Advocate for the respondents submits that the relief as sought for by the petitioner was granted to him by the first respondent, vide proceedings dated 01.04.2025, cancelling the excess joining time of 5 days ie., from 11.11.2020 to 15.11.2020, which was originally treated as Earned Leave, vide order dated 04.06.2021, and also restoring the same as Casual Leave, as originally sanctioned by the Inspector General of Police CSCID, Madurai Unit. It is further submitted that the Superintendent of Police, Madurai was also requested to claim leave salary for the aforesaid 5 days. In this regard, he has produced a copy of the proceedings of the first respondent, dated 01.04.2025, before this Court and the same is taken on record. In paragraph Nos.8 and 9 of the said proceedings, it has been stated as follows:-

“8. Considering the above facts, the excess joining time for 5 days from 11.11.2020 to 15.11.2020 availed by the petitioner which was treated as earned leave vide this office order third cited is hereby cancelled and the said 5 days from 11.11.2020 to 15.11.2020 is restored as casual leave as originally sanctioned by the Inspector of police, CSCID, Madurai Unit.

9. The Superintendent of Police, Madurai District is requested to claim leave salary for the said 5 days from 11.11.2020 to 15.11.2020



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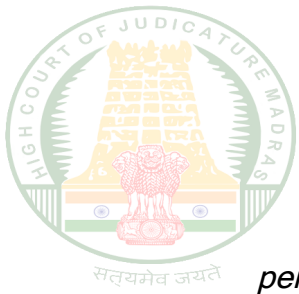
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which is now ordered to be restored into Casual Leave account in respect of Thiru S.Nachathiram, SSI 9HC 1652)."

4.The learned Government Advocate also assures this Court that whatever the amount towards monetary benefits is due to the petitioner shall be paid to him as per Rules within six weeks.

5.The second respondent has filed a counter affidavit and in para No.3 of the said counter affidavit, it has been stated as follows:-

"3. I respectfully submit that the casual leave Sanctioned to the petitioner from 11.11.2020 to 15.11.2020, while he was working in CSCID Madurai Unit, has been cancelled as per the proceedings in R.C.NO.A2/2996/2021-CSO NO. 85/2021 dated 04.06.2021. As a result, the leave period has been adjusted in his earned leave account. Therefore, the petitioner is challenging the above-said proceedings. Subsequently, the Director General of Police Civil Supplies CID issued proceedings in RC.NO.A2/2966/2025, dated 01/04/2025 has cancelled the Additional Director General of Police (Civil Supplies CID) Proceedings dated 04/06/2021 by which the leave period was treated as earned leave and once again restored the said



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period as casual leave. The relevant portion of the proceedings dated 01/04/2025 is extracted here under:-

"8. Considering the above facts, the excess joining time for 5 days from 11.11.2020 to 15.11.2020 availed by the petitioner which was treated as earned leave vide this office order third cited is hereby cancelled and the said 5 days from 11.11.2020 to 15.11.2020 is restored as casual leave as originally sanctioned by the Inspector of police, CSCID, Madurai Unit.

9. The Superintendent of Police, Madurai District is requested to claim leave salary for the said 5 days from 11.11.2020 to 15.11.2020 which is now ordered to be restored into Casual Leave account in respect of Thiru S.Nachathiram, SSI 9HC 1652)."

6. Accordingly, after considering the arguments advanced by the learned counsel for the parties, after perusal of the counter affidavit filed by the second respondent and after perusal of the order of the first respondent dated 01.04.2025, this Court is satisfied that the relief as sought for by the petitioner



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has been granted by the respondents and thus, no useful purpose will be served in keeping this writ petition pending.

7. Accordingly, the Writ Petition stands disposed of with a direction to the respondents that whatever the amount towards monetary benefits is due to the petitioner shall be paid to him as per Rules within six weeks from today. There shall be no order as to costs and the file is consigned to record. Consequently, connected Miscellaneous Petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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21.04.2025

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5A, Chamier's Road,
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SHAMIM AHMED, J.

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