



W.P.(MD) No.23960 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On: 27.06.2025

Pronounced on: 03.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.23960 of 2016

1.G.Manoharan (Died)
S/o.S.Gurusamy
16/43, Kumaran Street,
Kamarajapuram,
Madurai – 625 009.

2.Parameshwari
W/o.S.Manoharan
16/43, Kumaran Street,
Kamarajapuram,
Madurai – 625 009.

(P2 substituted vide court order dated
04.09.2023 in W.M.P.(MD) No.13610
of 2016 in W.P.(MD)No23960 of 2016)

... Petitioner

Vs.

The Commissioner of Police,
Madurai City,
Madurai.

... Respondent

PRAYER in W.P.:

To issue a Writ or Order or Direction or in the nature of the Writ of certiorarified mandamus to call for entire records connected with the impugned order passed by the respondent in C.No. D2(2)/PR. No. 145/98 dated 18.05.2016 and quash the same and directing the respondent to



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make the full pay and allowances to which the petitioner would have been entitled, had he not been dismissed and to pay salary arrears from 19.04.1997 to 01.05.2013 with interest and all consequential attendant benefits, incentives, bonus etc and regularize the service of the petitioner as he had not been dismissed with promotion etc and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr. K.K. Kannan
For Respondents : Mr.V.Om Prakash,
Government Advocate

J U D G M E N T

Heard.

2. The Petitioner, long after having attained the age of superannuation at 62 years, has now filed the present writ petition challenging the order passed by the Respondent dated 18.05.2016. It may be noted that the said order was issued pursuant to the earlier writ petition filed by the Petitioner, in which this Court had directed the Respondent to consider and dispose of the representation submitted by the Petitioner.



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3. During the pendency of the writ petition, the Petitioner unfortunately passed away on 26.03.2013. Thereafter, his wife, being his legal representative, was brought on record to prosecute the matter. The Respondent has filed a counter affidavit as well as an additional counter affidavit. In paragraph 8 of the additional counter affidavit, the Respondent has explained the circumstances under which the unauthorized absence of the Petitioner was dealt with. The relevant portion reads as follows:

“8. It is submitted that in turn, the medical leave period from 11.04.1997 to 18.10.1997 was settled as Earned Leave on (Medical Certificate) & Unearned Leave (Private Affairs), the remaining period of medical leave spent by him from 19.10.1997 to 26.01.1998, the desertion period spent by him from 27.01.1998 to 15.10.1998 and his out of employment period from 16.10.1998 to 01.05.2013 was settled as Leave without Pay (Private affairs), subsequently his pay was regularized with effect from 26.07.1997 @ Rs.8,930/- vide this office CPO.No. 1602/2014, C.No.D1(1)/PR.No.145/1998, dated 24.11.2014 and the pay & allowances for the period from 11.04.1997 to 18.10.1997 (i.e.,) 6 months and 8 days amount of Rs.7,998/- was sent to the petitioner by Cheque.”

4. In the light of the above circumstances, this Court is of the view that no interference is warranted with the order passed by the



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Respondent. There is no case made out for the grant of any relief.

Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

03.07.2025

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

LS

To

The Commissioner of Police,
Madurai City,
Madurai.



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DR. A.D. MARIA CLETE, J.

LS

**Pre-delivery Judgment
made in
W.P. (MD) No.23960 of 2016**

03.07.2025