



W.P(MD)No.14232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14232 of 2023

and

W.M.P.(MD)No.12051 of 2023

S.Karuthiah

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent made in C.No.C1/190/2023-R.O.O.No.193/2023, dated 15.05.2023 and consequently, proceedings of the second respondent made in C.No.F1/019227/2023-D.O.No.624/2023, dated 19.05.2023 and subsequent proceedings of the first respondent made in C.No.C1/190/2023-R.O.O.No.203/2023, dated 24.05.2023 and subsequent proceedings of the second respondent made in



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C.No.F1/019227/2023-D.O.No.639/2023, dated 29.05.2023 and quash the same as illegal and consequently, direct the respondents to consider the case of the petitioner to retire from service.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner joined the police department as constable in the year 1986. He is now holding the rank of Sub Inspector of Police. He reached the age of superannuation on 31.05.2023. He was not allowed to retire. He has been placed under suspension. Challenging the same, the present writ petition has been filed.

3. The impugned orders cannot be interfered with. This is because admittedly the petitioner is figuring as an accused in a custodial death case. The learned counsel appearing for the petitioner admits that the case is now pending at the committal stage. When the petitioner is



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facing criminal prosecution, he cannot be allowed to retire. Therefore, the impugned orders are sustained. The petitioner has to be necessarily paid provisional pension till the issue attains finality. That apart, there are certain monetary benefits which cannot be withheld or denied even if the petitioner is dismissed from service.

4. I consciously refrain from quantifying the figures. But such benefits shall be disbursed to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is permitted to submit a representation to the second respondent in this regard. Individual heads of the monetary benefits as well as the figures and the details may be set out in the petitioner's representation. The second respondent shall take into account the petitioner's representation.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

16.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.



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- To
- 1.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.
 - 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

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