

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No.508 of 2015

P. Arul (died)

A. Vennila

Appellant

vs.

1 The Deputy Inspector General of Police
Salem Range
Salem

2 The Superintendent of Police
Dharmapuri District

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 25.11.2014 passed in W.P. No.17866 of 2007 came to be numbered by transfer of OA.1818/04 from the file of the Tamilnadu Administrative Tribunal, praying for a writ of certiorarified mandamus, to call for the records in connection with the files relating to the petitioner regarding the removal from service issued in C.No.M2/PR.70/2003 dt.10.12.2003 by the 2nd respondent and C.No.82/756/46/2004 AP.3/B1/2004 dt.29.1.2004 by the 1st Respondent and set aside the same and consequently direct the respondents to reinstate the petitioner into service with all benefits.

For appellant सत्यमेव जयते Mr. S. Ilamvaludhi

For respondents Mr. P.S. Sivashanmugasundaram
Special Government Pleader

JUDGMENT

(Judgement of the Court was delivered by SATISH K. AGNIHOTRI, J.)

The instant writ appeal is directed against the order dated 25.11.2014 passed in W.P. No.17866 of 2007.

2 For the sake of brevity and convenience, the parties are referred to as per their rank in the instant writ appeal.

3 The facts in a nutshell, leading to the filing of the instant case are that the appellant's husband, viz., P. Arul was removed from service, after due enquiry, by order dated 10.12.2003, on the allegation that he had abducted a lady who was about to board a bus and molested her, thereby bringing disrepute to the Police Department. The appellant's husband preferred an appeal before the first respondent challenging the order of removal from service, which was dismissed by order dated 29.01.2004. Questioning the legality and validity of the order of removal from service dated 10.12.2003 passed by the second respondent and also the order dated 29.01.2004 passed by the first respondent in the appeal and also seeking a direction to the respondents to reinstate him in service with all benefits, the appellant's husband initially filed O.A. No.1818 of 2002 on the file of the Tamil Nadu Administrative Tribunal, Chennai. Consequent upon the dissolution of the said Tribunal, O.A. No.1818 of 2002 was transferred to the file of this Court and re-numbered as W.P. No.17866 of 2007. One more writ petition was filed by the appellant's husband, seeking a direction to the respondents to reinstate him in service by accepting the verdict of the Criminal Court in C.C. No.221 of 2003. Seemingly, the appellant's husband had died during the pendency of the writ petitions and his wife has been substituted as his legal representative.

4 The learned Single Judge, after having examined all the facts of the case, has come to the conclusion that there is no error in removing the appellant's husband from service and so holding, dismissed W.P. No.17866 of 2007.

5 We have heard the learned counsel for the parties and perused the pleadings and documents appended thereto.

6 Consequent upon the death of the employee, his wife, as appellant, is pressing for grant of terminal benefits and pension. There is no quarrel on the issue that in case of removal from service, the legal heirs of the employee concerned are not entitled to terminal benefits and pension. Thus, there is no merit in the case.

7 However, keeping in view, the submission made by the learned counsel for the appellant that the legal heirs of the appellant are suffering as they are not having any source of income, the appellant is permitted to make a representation to the authorities for appropriate relief, if so advised, under provisions of law.

8 With the above observation, the writ appeal stands disposed of. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

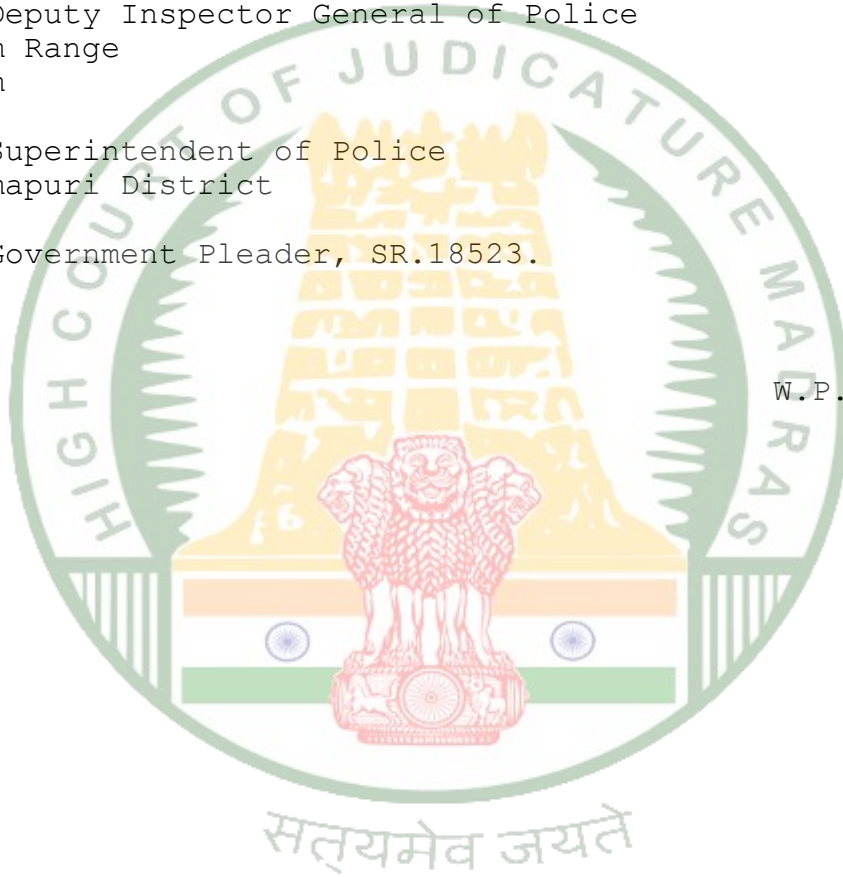
1 The Deputy Inspector General of Police
Salem Range
Salem

2 The Superintendent of Police
Dharmapuri District

+1 cc to Government Pleader, SR.18523.

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W.P. No.9377 of 2015



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