

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26199 of 2015

V.Dhayalan

... Petitioner

Vs.

Superintendent of Police
District Police Office
Sathuvachary
Vellore 9

.... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to disburse the all benefits due to the Petitioner amounting to Rs.11,71,662/- plus periodically upgraded dearness allowance.

For Petitioner : Ms.Usha Ramman

For Respondent : Mr.V.Subbiah

Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner while working as a Head Constable was listed with criminal prosecution in Crime No.122 of 2003 on the file of the Gudiyattam Town Police Station, Gudiyattam for the alleged commission of offence under Section 419, 420 and 506(ii) of IPC and consequent upon the registration of the case, disciplinary proceedings came to be initiated in PR.No.89 of 2003.

3.The petitioner has also filed O.A.No.3477 of 2003 on the file of the Tamil Nadu Administrative Tribunal to stay the disciplinary proceeding and till the culmination of criminal prosecution, an interim stay was also granted on 22.10.2003. However, despite the stay granted by the Tamil Nadu Administrative Tribunal, the department has conducted enquiry and passed an order dated 13.11.2003 which has resulted in the punishment of reduction in the time scale of pay by two stages for one year and the period of reduction shall not operate to postpone his future increments vide order of the respondent dated 03.06.2010.

4.The petitioner made an appeal dated 28.06.2010 against the order dated 03.06.2010 before the Deputy Inspector General of Police, Vellore Range, Vellore and it was rejected on 21.07.2010. The suspension period between 13.04.2003 forenoon and 06.06.2010 afternoon was ordered to be treated as eligible leave including the extra-ordinary leave by the respondent. The petitioner would further state that after full fledged trial, the criminal prosecution culminated into a case in C.C.No.317 of 2003 and it has ended in acquittal vide order of the learned Judicial Magistrate, Gudiyattam dated 12.03.2010.

5.The petitioner has also brought to the knowledge of the said order of acquittal and submitted representations, for payment of terminal benefits due to him and since no orders have been passed, came forward to file this writ petition.

6.The learned counsel appearing for the petitioner would submit that in the light of the order passed by the Criminal Court, petitioner is entitled to a sum of Rs.11,71,662/- being the terminal benefits due to him and prays for appropriate orders.

7.This Court also heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondent.

8.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a representation to the respondent by enclosing a copy of this order as well as the order of acquittal dated 12.03.2010 made in C.C.No.317 of 2003 within a period of two weeks from the date of receipt of a copy of this order and the respondent on receipt of the same, is directed to consider the same on merits and in accordance with law and pass orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

9.The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

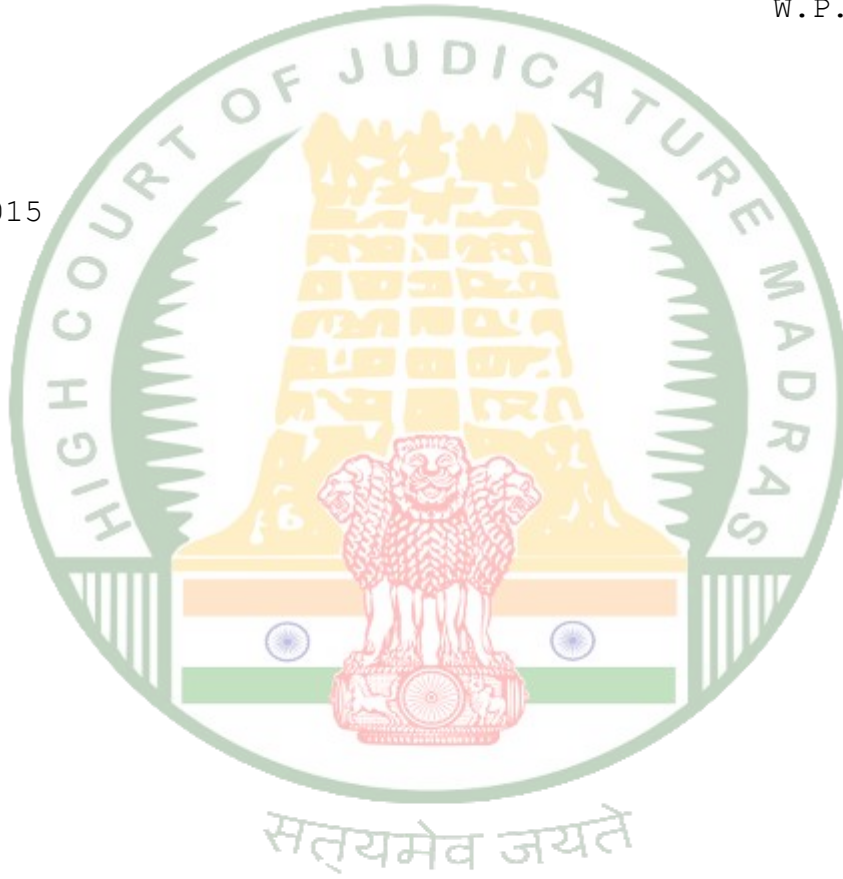
To

Superintendent of Police
District Police Office
Sathuvachary
Vellore 9

+1 cc to M/s.Usha Ramman, Advocate sr.44762
+1 cc to Government Pleader High Court Madras
sr.44733

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