

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28586 of 2015

K.Varathappan

.. Petitioner

- Vs -

1. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.

2. The Superintendent of Police,
Vellur District.

... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st and 2nd respondents to refund the above said recovery amount of Rs.52,920/- on the basis of the petitioner's representation dated 13.08.2015.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

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

2. The petitioner was appointed as Grade II Police Constable in the year 1968 at Vellore District and after completing 37 years of glorious service retired on 31.07.2005. The petitioner would state that while he was serving as Head Constable at Katpadi Police Station he was residing in Police Quarters, Katpadi and thereafter he was transferred to Sathuvachary Police Station and in spite of the transfer, he was residing in the very same quarters for the purpose of completing his children education and the said fact was also informed to the respondents 1 and 2. After the retirement of the petitioner, recovery proceedings came to be initiated and a sum of Rs.52,920/- being the rent for using the quarters in spite of transfer was also deducted and thereafter, the petitioner submitted a representation praying for refund of the said amount as his family are suffering very much. Since no orders has been passed, he came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that for the purpose of completing his children education, the petitioner has retained the quarters and it is neither wilful nor deliberate and therefore appropriate directions may be given to the respondents to refund the said amount.

4. The Court heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate accepts notice on behalf of the respondents 1 and 2.

5. Though the petitioner prays for a larger relief, this Court in the light of the fact and circumstances of the case, without going into the merit of the claim projected by the petitioner either in his representation or in this writ petition, permits the petitioner to submit one more representation to the second respondent by enclosing a copy of this order as well as his earlier representation dated 13.08.2015, within a period of two weeks from the date of receipt of a copy of this order and the second 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. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(T & P)

dt:5/10/2015

True Copy

Sub-Assistant Registrar

kk

To

1. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.
2. The Superintendent of Police,
Vellur District.

+1 cc to Mr.A.Rajaram, Advocate sr.49775
+1 cc to Government Pleader sr.49573

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