

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17598 of 2016

E.Maheshwari

.. Petitioner

Vs.

1.The Director General of Police
Tamil Nadu
Mylapore
Chennai-600 004.

2.The Superintendent of Police
Coimbatore District
Coimbatore.

..Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the 1st respondent to pass orders on the proposal sent by the 2nd respondent to the 1st respondent in C.No.J3/27336/2014, dated 13.03.2015 for granting pensionary benefits and other benefits within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.M.Dig Vijaya Pandian,
Additional Government Pleader.

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent to pass orders on the proposal sent by the 2nd respondent to the 1st respondent in C.No.J3/27336/2014, dated 13.03.2015 for granting pensionary benefits and other benefits within a reasonable time.

3. The petitioner's husband entered service as Grade-II Police Constable. He was promoted as Grade-I Police Constable. Against the petitioner's husband, a criminal case was registered in Cr.No.92 of 2001, therefore, he was placed under suspension. A departmental proceeding was also initiated under Rule 3(b) of the Tamil Nadu Police Subordinate Services (Discipline & Appeal) Rules in P.R.No.11/2011. An enquiry was conducted. The disciplinary authority has ultimately held that the charge against the petitioner's husband has been proved and by order, dated 05.03.2002, imposed a punishment of compulsory retirement from service and the same was served on the petitioner on 12.03.2002. Against which, no appeal was preferred. The criminal case ended in acquittal on 18.12.2002. Subsequently, the petitioner's husband died on 15.05.2007. The petitioner filed a Mercy Petition on 02.03.2008 seeking to set aside the punishment in view of the acquittal in the criminal case. As there was no response, the petitioner filed W.P.No.11241 of 2008 before this Court

challenging the punishment. This Court, by order dated 06.02.2012 set aside the order of compulsory retirement and directed the 1st respondent to pass appropriate orders. Based on the orders of the 1st respondent, dated 29.05.2012, the disciplinary proceedings against the petitioner's husband was dropped by the 2nd respondent. The 2nd respondent has sent a proposal on 13.03.2015 to the 1st respondent to pass orders to grant pensionary benefits and other benefits to the petitioner and the same is pending before the 1st respondent. Till date, the 1st respondent has not passed any order and hence, the Writ Petition has been filed.

4. Mr.M.Muthappan, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if the proposal is directed to be considered by the 1st respondent and appropriate orders are passed.

5. Mr.M.Dig Vijaya Pandian, the learned Additional Government Pleader, who takes notice for the respondents, would submit that he has got no objection for directing the 1st respondent to consider the proposal and to pass appropriate orders, on merits and in accordance with law, within a time frame.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the proposal sent by the 2nd respondent for granting pensionary benefits and other benefits and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

paa

To

1.The Director General of Police
Tamil Nadu Mylapore
Chennai-600 004.

2.The Superintendent of Police
Coimbatore District
Coimbatore.

1 cc to Government Pleader, Sr. 29238

<https://hcservices.ecourts.gov.in/hcservices/> 1 cc to M/S. M. Muthappan, Advocate, Sr. 29528

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