

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8097 of 2015

V.G.Panneerselvam

.. Petitioner

-vs-

1. The Home Secretary
Government of Tamil Nadu
Home Department
Fort St.George
Chennai 600 009
2. The Director General of Police
O/o the Director General of Police
Kamarajar Salai
Mylapore
Chennai 600 004
3. The Joint Commissioner of Police
Chennai 600 016

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to settle the retirement and pensionary benefits entitled by the petitioner with interest at the rate of 9% p.a., within the stipulated time as fixed by this Hon'ble Court based upon his representation dated 26.1.2015.

For Petitioner :: Mr.S.Kumaradevan

For Respondents :: Mr.A.Kumar
Special Government Pleader

ORDER

The petitioner, Mr.V.G.Panneerselvam, who was permitted to retire from service on 31.5.2012 by G.O.(2D) No.541, Home (Police-2) Department dated 12.9.2013 subject to the outcome of W.P.No.10231 of 2008 and the disciplinary proceedings pending against him in PR.No.13 of 2011 to be continued under Rule 9 of the Tamil Nadu Pension Rules, has suffered the punishment of

pension cut at the rate of Rs.1,000/- per month for a period of twelve months for the proven charges, under Rule 9 of the Tamil Nadu Pension Rules, in G.O.(2D) No.171, Home (Police-2) Department dated 22.5.2014. In this background, the grievance of the petitioner is that when the petitioner's writ petition also came to be dismissed as infructuous by order dated 21.7.2014 in view of the imposition of the aforesaid punishment, the respondents cannot refuse to pay the retiral and pensionary benefits to the petitioner.

2. Mr.A.Kumar, learned Special Government Pleader takes notice on behalf of the respondents.

3. It is not in dispute that the petitioner was permitted to retire from service by G.O.(2D) No.541, Home (Police-2) Department dated 12.9.2013 subject to the outcome of W.P.No.10231 of 2008 and the disciplinary proceedings pending against him in PR.No.13 of 2011 to be continued under Rule 9 of the Tamil Nadu Pension Rules. The order of this Court dismissing the writ petition as infructuous has also been filed in the typedset of papers. A perusal of the said order and the further order passed by the first respondent in G.O.(2D) No.171, Home (Police-2) Department dated 22.5.2014 would clearly show that the petitioner has been finally imposed with the punishment of pension cut at the rate of Rs.1,000/- per month for a period of twelve months for the proven charges in PR.No.13 of 2011. In the light of the above, the respondents are directed to settle the entire retiral benefits to the petitioner within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.
ss

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Home Department
Fort St.George
Chennai 600 009
2. The Director General of Police
O/o the Director General of Police
Kamarajar Salai
Mylapore
Chennai 600 004
3. The Joint Commissioner of Police
Chennai 600 016

+ 1 cc to Mr.S.Kumaradevan, Advocate, SR 21377

+ 1 cc to Govt.Pleader, High Court, Madras SR 21721

bvr(co)
prk20/4

W.P.No.8097 of 2015



WEB COPY