

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.04.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.A.No.517 of 2012
and
W.A.No.501 of 2013
and
M.P.No.1 of 2013

W.A.No.517 of 2012

Muthu
Superintendent (Retd.) ..Appellant/Petitioner

Vs.

1. State of Tamil Nadu
rep. by Secretary,
Department of Home,
Fort St.Gerge,
Chennai - 600 009.
2. Director General of Police,
DGP Office, Mylapore,
Chennai - 600 004. ..Respondents

For Appellant in WA.517/12 :Mr.M.Muthappan
For Respondents in WA.517/12 :Mr.R.Ravichandran,
Addl.Government Pleader

W.A.No.501 of 2013

1. State of Tamil Nadu
rep. by Secretary,
Department of Home,
Fort St.Gerge,
Chennai - 600 009.
2. Director General of Police,
DGP Office,

Mylapore,
Chennai - 600 004.

..Appellants/Respondents

Vs.

A.Muthu

..Respondent/Petitioner

COMMON PRAYER:-

Writ Appeal filed under Clause 15 of the Letter Patents Act against the order passed by this Court made in W.P.No.30028 of 2008 dated 24.01.2012.

Writ Petitions filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus and call for the records leading to the issue of the impugned Memorandum No.C135661/Medal.2/2008 Dated 26.09.2008 of the Second Respondent and quash the same as illegal and void and consequently direct the respondents to grant the petitioner and benefits of accelerated promotion, advance increments, cash awards etc., under G.O.Ms.No.1793, Home (Vol.VIII) Dept. Dated 01.12.95 and G.O.Ms.No.1252, Dated 29.10.2004 and 1347 & 1354, Dated 06.12.2004 and grant such other benefits as given to other similarly placed persons.

For Appellants in WA.501/13 : Mr.R.Ravichandran,
Addl.Government Pleader

For Respondent in WA.501/13 : Mr.M.Muthappan

COMMON JUDGMENT

(Order of the Court was made by HULUVADI G. RAMESH, J.)

While W.A.No.501 of 2013 is filed by the State, the petitioner has filed W.A.No.517 of 2012 challenging the order passed by the learned single Judge in in W.P.No.30028 of 2008.

2. In connection with the killing of the forest brigand Veerappan, the Government had issued G.O.Ms.No.1347 and G.O. (Ms.)No.1354 dated 6.12.2004 extending some monetary benefits by way of cash award, advance increment and accelerated promotion for the Police Officers and also for the technical staff and ministerial staff who assisted the officers of the Special Task Force.

3. It appears that the appellant in W.A.No.517 of 2012 who was working in the Administrative side, was assisting the

Special Task Force during the operations carried on by the Police Officers of the Special Task Force between 1994-1997 in and around Bannari Forest Camps in Erode District.

4. Learned counsel for the appellant in W.A.No.517/2012 submitted that by order dated 14.09.1993 passed by the DIG Technical Service, the petitioner/ appellant was posted as Assistant for carrying out all clerical duties connected with the activities and operation of the Special Task Force and the petitioner/ appellant joined duty on 29.08.1994 in the Bannari Camp and the petitioner/ appellant was the only Assistant deputed for assisting in the operation carried out by the Special Task Force. In connection with the said assignment, the petitioner/ appellant and he was also granted risk allowance of Rs.1,000/- per month for being attached to Special Task Force in accordance with G.O.Ms.No.1793, Home (Vol.III) Department dated 01.12.1995. After completion of the operation, in the year 1997, the petitioner was relieved from the said assignment and posted back to Chennai. Learned counsel for the petitioner/ Appellant further contended that though the appellant was entitled for the benefits of cash reward of Rs.2 lakhs, accelerated promotion and other benefits, however, by the impugned order, the learned single Judge had granted only the cash award of Rs.50,000/- and denied the other benefits.

5. Learned Additional Government Pleader appearing for the State contended that the petitioner was not assisting the Special Task Force in the operation before and after the death of the Forest Brigand Veerappan. He further contended that the said Veerappan was encountered on 18.10.2004 and the petitioner was not in the Special Task Force on the date of killing of said Veerappan. Learned counsel further contended that the petitioner cannot be equated with the Police personnel of Special Task Force and the very purpose of issuing the aforesaid Government orders is to recognize the service of the police personnel who displayed exemplary courage by risking their life in pursuit of the forest brigand Veerappan and his gang. The petitioner was working only as an Assistant, that too, during 1993 - 1997 and the cash award of Rs.50,000/- granted by the learned single Judge, is erroneous.

6. We have heard the learned counsel appearing for the appellant/ petitioner and the learned Additional Government Pleader appearing for the State.

7. Considering the submissions made on either side and on going through the order passed by the learned single Judge, we are of the considered view that the learned single judge has rightly rejected the claim of accelerated promotion and other

benefits to the petitioner. It is not in dispute that the petitioner was working as Assistant in the Special Task Force during 1994-1997. However, the fact remains that at the relevant point of time, i.e., at the time of encounter of Veerappan, the petitioner was not continuing in the Special Task Force. However, the petitioner has served nearly three years assisting the Special Task Force. Hence, we find it appropriate that granting a cash award in a sum of Rs.25,000/-, would meet the ends of justice. Accordingly, the order of the learned single Judge is modified to the effect that the appellant/petitioner is entitled to a cash award of Rs.25,000/-, instead of Rs.50,000/- as ordered by the learned single Judge. Accordingly, Writ Appeal No.501 of 2013 is allowed in part and Writ Appeal No.517 of 2012 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

vsi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Department of Home,
Fort St.Gerge,
Chennai - 600 009.
2. Director General of Police,
DGP Office, Mylapore,
Chennai - 600 004.

+1cc to Mr.M.Muthappan, Advocate S.R.No.25176

+1cc to the Government Pleader, S.R.No.25448

KR/13/6/16

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and
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