

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36075 of 2016
and W.M.P.No.31003 of 2016

S.Manickam

.. Petitioner

Vs.

1.The Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Armed Reserve Unit,
Salem District, Salem.

3.The Principal Accountant General
(A & E),
Teynampet, Chennai-18,
Tamil Nadu.

.. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records of the second respondent relating to the order in Na.Ka.No.47/Ka.Aa./Aa.Pa/2016 dated 2.9.2016, to quash the same and to issue consequential directions to the respondents 1 and 2 to permit to continue to reside in No.C2, New A.R. Quarters, Kumarasamipatti, Salem, till the expiry of one month after the disbursal of Retirement and Pensionary benefits due and payable to the petitioner consequent on his retirement on 30.4.2016 AN and to direct the respondents to examine the pension proposals of the petitioner and authorize payment of pensionary benefits and to disburse the same to the petitioner within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : MrK.Dhananjayan,
Spl. Govt. Pleader
for R.1 and R.2

ORDER

The petitioner has come up with the present writ petition challenging the order of the second respondent in Na.Ka.No.47/Ka.Aa./ Aa.Pa/2016 dated 2.9.2016 and to issue consequential directions to the respondents 1 and 2 to permit him to continue to reside in No.C2, New A.R. Quarters, Kumarasamipatti, Salem, till the expiry of one month after the disbursal of Retirement and Pensionary benefits due and payable to him on his retirement on 30.4.2016 AN and to direct the respondents to examine his pension proposals and authorize payment of pensionary benefits and to disburse the same within a limited time frame.

2. It is the case of the petitioner that he was enlisted as Police Constable on 16.10.1981 at Salem Urban District unit and retired from service on 30.4.2016 AN as Head Constable in the Armed Reserve Unit, Salem. During his service, he was allotted residential quarters in Door No.12, Block No.16 in AR Police Quarters in Kumarasamy Patty, Salem, in which he was residing with his family from 10.4.1985. Thereafter, he was allotted No.C-2 in the Police Quarters, Kumarasamy Patty, Salem from 18.9.2013 and continue to reside in the said Quarters after his retirement. Even though the petitioner was permitted to retire from service on 30.4.2016, the pensionary benefits due to him were not disbursed to him and even though the first respondent ought to have forwarded his pension proposals to the third respondent one year prior to the date of his superannuation, he did not send the same. While so, the second respondent by order dated 2.9.2016, directed the petitioner to vacate the said quarters. Since his pensionary benefits have not been disbursed to him, he is not in a position to vacate the Quarters. Hence, challenging the order of the second respondent directing the petitioner to vacate the quarters and to direct the respondents 1 and 2 to permit him to reside in the same quarters till his retirement benefits was disbursed, the petitioner has filed the present writ petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents 1 and 2. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the third respondent.

4. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

5. In my considered opinion, once the petitioner retired from service, he has no legal right to continue to reside in the Police Quarters. Therefore, the prayer sought for

by the petitioner seeking a direction to the respondents 1 and 2 to permit him to continue to reside in No.C2, New A.R. Quarters, Kumarasamipatti, Salem, till his retirement benefits was disbursed to him, is not legally sustainable.

6. Insofar as the prayer for disbursement of retirement benefits is concerned, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the pension proposal of the petitioner was sent to the third respondent on 13.7.2016 and the same was returned seeking some clarifications and after clarifying the same, it was re-submitted to the third respondent. Since the pension proposal of the petitioner was already sent to the third respondent, I am of the opinion, there is no need for this Court to issue any specific direction in this regard.

7. Hence, recording the said submission made by the learned Special Government Pleader, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Armed Reserve Unit,
Salem District, Salem.

3.The Principal Accountant General
(A & E),
Teynampet, Chennai-18,
Tamil Nadu.

+1cc to M/s. M. Ravi, Advocate, S.R.No.58882
+1cc to the Government Pleader, S.R.No.58946

CTK(CO)
EU(24/10/2016

W.P.No.36075 of 2016