

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN

WP.No.5214/2017 & WMP Nos. 5540 & 5541/2017

Jayakumar

...Petitioner

..Vs..

1. The Principal Secretary to Government,  
Home (Police -II) Department  
Secretariat  
Fort Saint George  
Chennai - 600 009.

2. The Director General of Police,  
Dr. Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records of respondents in connection with the impugned orders passed by the first respondent in G.O. (2D). No.497 Home (Police 2) Department dated 28.11.2016 and G.O. (2D). No. 500 Home (Police 2) Department dated 30.11.2016 and quash the same and further direct the respondents to superannuate the petitioner from service and settle his retirement benefits.

For Petitioner : Mr.M. Muthappan

For Respondents : Mr.R.A.S. Senthilvel, AGP

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ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The facts leading to the earlier round of litigation have been narrated in detail and in extension in the order dated 17.04.2014 made in WP (MD) No.14300 of 2011 as well as in the Judgment dated 30.11.2016 made in WA(MD) No.1008 of 2016

preferred against the said order and therefore, it is not necessary to restate the facts once again.

3. The petitioner, challenging the proceedings of the Head of the Department in disagreeing the orders of the Disciplinary Authority, exonerating the petitioner from charges and that no sufficient materials to hold that the charges framed against the petitioner have been proved, has filed WP(MD) No.14300/2011 and after contest, the show cause notice dated 25.10.2011 was quashed and the official respondent namely, the Director General of Police, Chennai - 600 004, aggrieved by the same, filed WA (MD) No.1008 of 2016 and vide judgment dated 30.11.2016, a Division Bench (one of us is a party (MSNJ)) had dismissed the same, thereby confirming the order dated 17.04.2014 in WP(MD) No.14300 of 2011. In the light of fact that the petitioner had reached the age of superannuation on that the Director General of Police, has disagreed with the findings of the Disciplinary Authority, the petitioner was placed under suspension vide G.O. (2D) No.497 dated 28.11.2016 and also not permitted him to retire vide G.O.(2D) No.500 dated 30.11.2016 by the 1<sup>st</sup> respondent.

4. The learned counsel for the petitioner would submit that in the light of the judgment dated 30.11.2016 made in WA (MD) No.1008 of 2016, there is no necessity to continue the order of suspension and the natural consequence would be to permit the petitioner to retire from service and confer all consequential and retiral/ terminal benefits due and payable to him and in this regard the petitioner is also submitted a detailed representation dated 26.12.2016 to the 1<sup>st</sup> respondent and prays for appropriate orders.

5. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents would submit that legal advise has been sought to prefer a Special Leave Petition against the judgment dated 30.11.2016 made in WA(MD) No.1008 of 2016 and seeks time to get necessary instructions.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. Though the petitioner has prayed for a larger relief, this court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1<sup>st</sup> respondent to consider and dispose of the petitioner's representation dated 26.12.2016 submitted to the 2<sup>nd</sup> respondent / proper channel on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken for the petitioner.

8. The writ petition stands disposed of with the above direction. No costs. Consequently the connected Miscellaneous Petitions are closed.

Sd/-  
Asst.Registrar (CS VI )

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary to Government,  
Home (Police - II) Department  
Secretariat  
Fort Saint George  
Chennai - 600 009.
2. The Director General of Police,  
Dr. Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.

+1cc to Mr.M. Muthappan, Advocate SR. 13976

WP.No.5214 of 2017

SSI (CO)  
VR(08/03/2017)



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