

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.05.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No.12209 of 2017
and WMP Nos.13009 and 13010 of 2017

J. Tamilmani

... Petitioner

Vs

1. The Commissioner of Police,
City Police Office,
Coimbatore City.
2. The Additional Director General of Police,
(Law & Order)
Kamaraj Salai, Chennai-600 004.
3. The Director General of Police, (Law & Order)
Kamaraj Salai, Chennai- 600 004. ... Respondents

PRAYER : Writ Petition is filed under the Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in Na.ka.No.R/2/15919/17 dated 23.03.2017 to quash the same and consequently direct the 1st respondent from not to evicting petitioner from the quarters.

For Petitioner : M/s. C.Deivasigamani
For Respondents : Mr.A.Zakkir Hussain
Government Advocate

सत्यमेव जयते
O R D E R

The Writ petitioner challenged the order of eviction issued by the respondents in proceeding dated 23.03.2017.

2. The facts in nutshell required to consider the Writ Petition on hand is that the writ petitioner joined as Grade II Police Constable in Tamilnadu Police, on 06.01.1986 and promoted upto the level of Sub-Inspector on 18.02.2005. On account of certain allegations against the Writ petitioner, disciplinary proceedings were initiated and a charge memo was issued. After conducting the domestic enquiry, punishment of compulsory retirement was issued on the petitioner. Punishment of stoppage of increment for 3 years was initially imposed and subsequently

the penalty was enhanced to compulsory retirement and the order of compulsory retirement was challenged by the Writ petitioner in WP No. 24837 of 2014. The said Writ petition is pending and there is no interim order is granted in favour of the Writ Petitioner.

2. On account of the punishment of compulsory retirement, the petitioner was relieved from service and even thereafter he is continuing in the Government quarters allotted to him in B4 in police quarters at Coimbatore.

3. A Government employee who retired from service, and imposed with the punishment of dismissal or compulsory retirement and relieved from service is not entitled to continue in the Government quarters allotted in his/her favour. Allowing such a person to continue in the Government quarters causes great prejudice to the personnel who are in service. The Government quarters are provided only to in-service Government servants for effective performance of their duties by residing in the local area. Such being the object of the Government for providing the Government quarters, the retired/ dismissal or compulsory retired employees have no locus standi or right to continue in the Government quarters. The respondents, even in the impugned order, has taken action against 5 such employees and it is the duty of the respondents to see that all such persons who all are continuing in the Government quarters, are to be evicted forthwith. Such practice of allowing such employees to continue is to be deprecated and the Government should initiate action and issue suitable orders to the subordinate officers to evict all such persons who are in occupation of the Government quarters.

4. In this regard, the learned Government Advocate is directed to enclose a copy of this order to the 3rd respondent/Director General of Police and also to the Secretary to Government, Home Department, Secretariat, Chennai, to issue suitable instructions to all the officials concerned to evict all such unauthorised occupants from the Government quarters. Action to be taken in the interest of the staff of the Government employees as a whole, and this Court is of the firm view that such retired/punished Government staff deserves no consideration, regarding occupation of Government Quarters.

5. Accordingly the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

jv/msv

To

1. The Commissioner of Police,
City Police Office, Coimbatore City.
2. The Additional Director General of Police,
(Law & Order)
Kamaraj Salai, Chennai-600 004.
3. The Director General of Police, (Law & Order)
Kamaraj Salai, Chennai- 600 004.

+1cc to the Government Pleader,
High Court, Madras-104 Sr. 37222

W.P. No.12209 of 2017

SJ(CO)
VR(23/5/2017)



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