

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25756 of 2015

and

M.P.No.1 of 2015

P.Ramamurthy

..Petitioner

Vs

The Superintendent of Police
Office of the District Police
Tirupur District.

... Respondent

PRAYER : Petitions filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 24.07.2015 vide Na.Ka.No.J3/14751/2015 passed by the respondent herein and quash the same and consequently permit the petitioner to occupy the police quarters till the disposal of the writ petition No.16998 of 2013 pending before this Hon'ble Court.

For Petitioner : Mr.A.V.Raja

For Respondent : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The Memo dated 24.07.2015, issued by the respondent, directing the writ petitioner to vacate the Government Accommodation is under challenge in this writ petition.

2. The writ petitioner was appointed as Police Constable in the year 1985 and promoted to the post of Head Constable in the year 2012. On account of certain allegations, a charge Memo was issued and after conducting an enquiry, the writ petitioner was imposed with the punishment of compulsory retirement by proceedings dated 18.06.2015.

3. The learned counsel appearing for the writ petitioner submits that challenging the punishment of compulsory retirement, the petitioner filed in W.P.No.16998 of 2013 and the

same is pending before this Court. Therefore, he may be allowed to continue in the Government accommodation.

4. The plea made by the counsel cannot be accepted at this stage, in view of the fact that the Government accommodation can be never claimed a matter of right by the Government employees. Government accommodation is provided only for in service candidates for effective performance of the duties and responsibilities. More so, in the Uniformed Services, accommodation is essential for the persons who are serving in the force. Such being the principles to be adopted, the writ petitioner, who was imposed with the punishment of compulsory retirement cannot be allowed to continue in the Government quarters. Such a precedent will create a wrong idea of providing Government Accommodation. This apart, the memo challenged in this writ petition is a show cause notice directing the writ petitioner to vacate the Government accommodation within a period of 7 days.

5. No doubt, it is a memo and the writ petitioner is bound to vacate the Government Accommodation. In this view of the matter, no further adjudication, on the grounds raised in this writ petition is required to be undertaken and accordingly, the writ petition stands dismissed. However, no order as to costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

dna
To

The Superintendent of Police
Office of the District Police
Tirupur District.

+1 cc to M/s.A.V.Raja Advocate sr 62054
+1 cc to the Government Pleader sr 62872

W.P.No.25756 of 2015

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aa09/10/2017