

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44667 of 2016

M.Settu

..Petitioner

Vs

Additional Director General of Police (Admin.)
Office of the Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 600 004. .. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent Additional Director General of Police (Administration) to dispose of the petitioner's representation dated 15.03.2016.

For Petitioner : Mr.R.Rajaram

For Respondent : Mr.P.Senthilvel,
Govt. Advocate

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondent.

2. The petitioner would state that he was initially appointed as a Grade II Police Constable in the year 1997 and got further promotions as Head Constable and Special Sub-Inspector of Police in the year 2009 and retired from the service on attaining the age of superannuation on 29.02.2016. The petitioner claims that he was put to 19 years of unblemished service to the satisfaction of the superior officers. The petitioner would further state that as a case in Crime No.96 of 2010 was registered by the Inspector of Police Anakavoor Police Station, Cheyyaru with regard to the suspicious death of one

Vasudevan under Sec.174, Cr.P.C. and inquest was also ordered and enquiry conducted and closed under Clause 151 of the Police Standing Order. Subsequently, it was concluded that no police personnel was involved in the crime and the Revenue Divisional Officer also conducted enquiry and submitted a report to the District Collector who in turn sent a letter dt.10.06.2016 to the Secretary, Home Department, Government of Tamil Nadu, Chennai statng that there was no involvement of police personnel of Anakavur Police Station in the death of Vasudevan. The CBCID has also registered a case for the very same incident in Cr.No.01/2013 u/s.174 of Cr.P.C. and they also concluded that no police personnel was involved in the alleged suspicious death of Vasudevan. However, the petitioner, to his shock and surprise, received an order dated 28.02.2016 from the Superintendent of Police, Thiruvannamalai District stating that he was permitted to retire from service on superannuation on 29.02.2016 without prejudice to the pending enquiry being conducted by CBCID in connection with Crime No.96 of 2010 under Sec.174 of Cr.P.C.

3. The grievance now expressed by the petitioner is that though the enquiry has been conducted and closed on the ground that no police personnel was involved in the suspicious death of one Vasudevan for the case registered in Crime No.96 of 2010 under Sec.174 of Cr.P.c., his pensionary and other retirement benefits have not been paid to him. In this regard, he has submitted a detailed representation on 15.03.2016 and despite receipt and acknowlegment, so far no order has been passed and hence prays for appropriate orders.

4. Heard the submissions of the learned counsel for the petitioner and Mr.P.Senthilvel, learned Government Advocate appearing for the respondent.

5. Taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the case, this Court directs the respondent to consider the representation of the petitioner dated 15.03.2016 and also the reminder letter dated 05.11.2016 and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr

To

The Additional Director General of Police (Admin.)
Office of the Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 600 004.

+1cc to Mr.R. Rajaram, Advocate, S.R.No.644
+1cc to the Government Pleader, S.R.No.762

pk(CO)
md(24/01/2017)

W.P.No.44667 of 2016

सत्यमेव जयते

WEB COPY