



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

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WEB COPY

**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**

W.P. (MD) No.1207 of 2017

and

W.M.P (MD) No.1023 of 2017

V.Paramasivam @ Paraman

.. Petitioner

Vs.

1. The Principal Secretary to the Government,  
(Police-II) Department,  
Secretariat,  
Fort St.George,  
Chennai - 60-0 009.

2. The Director General of Police,  
Government of Tamil Nadu,  
Chennai.

3. The Superintendent of Police,  
Madurai District,  
Madurai.

4. The Accountant General (Accounts and Entitlements),  
361, Anna Nagar,  
Teynampet,  
Chennai-18.

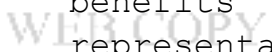
.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to settle all the retirement benefits payable to the Petitioner on the basis of the representation given by the Petitioner dated 14.6.2016 within the time stipulated by this Court.

For Petitioner : Mr.C.Jegannathan  
for M/s.Veera Associates

For Respondents : Mr.M.Rajarajan  
Government Advocate

For Respondent-4 : M/s.P.Gunasekaran



## ORDER

This Writ Petition has been filed, for issuance of a writ of Mandamus, directing the respondents to settle all the retirement benefits payable to the Petitioner on the basis of the representation given by the Petitioner dated 14.6.2016 within the time stipulated by this Court.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel takes notice for the fourth respondent. By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that during the pendency of the disciplinary proceedings, he was permitted to retire without prejudice to the rights of the respondents under the provisions of Tamil Nadu Pension Rules, 1978. He submitted that for more than two years have gone by and no action has been initiated. He also made a representation in this regard, dated 14.6.2016 for speedy action on the disciplinary proceedings and even assuming that the charges are established, there shall be a cut in the pension. There is no need to withhold the terminal benefits.

4. It is submitted by the learned counsel for the respondents that serious offence has been committed by the Petitioner and respondents have decided to proceed against the Petitioner and under the pension Rules, even though he was permitted to retire without granting pension and other benefits as sought for by the Petitioner. As such this Court shall direct the first respondent to proceed with the disciplinary proceedings and pass orders on the departmental proceedings said to have been pending, even though after two years of retirement.

5. According to the Petitioner, the incident said to have been taken place in the year 1999 and that a report has already been submitted in the year 2013. This factum that enquiry report has been submitted in the year 2013 has been denied by the other side and it has been stated that report was submitted only in the year 2015.

6. Even going by the said submission, more than one year has gone by and the respondents will have to take a final call based on the enquiry report and the respondents cannot expect the Petitioner to ~~be~~ <sup>be</sup> ~~in~~ <sup>in</sup> ~~the~~ <sup>the</sup> ~~service~~ <sup>service</sup> ~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~govt~~ <sup>govt</sup> ~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~services~~ <sup>services</sup> along, without being a final decision taken. Hence in view of the above, the first respondent is directed to take a final



decision on the disciplinary proceedings initiated against the Petitioner within a period of two months from the date of receipt of a copy of this order and communicate the same to the Petitioner for further action.

7. With the above direction, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Secretary to the Government,  
(Police-II) Department,  
Secretariat,  
Fort St. George,  
Chennai - 60-0 009.
2. The Director General of Police,  
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3. The Superintendent of Police,  
Madurai District,  
Madurai.
4. The Accountant General (Accounts and Entitlements),  
361, Anna Nagar,  
Teynampet,  
Chennai-18.

+1cc to M/S.Veera Associates ,Advocate, SR.No. 4425

+1cc to Special Government Pleader, SR.No.4501

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**and**  
**W.M.P (MD) No.1023 of 2017**  
**25.01.2017**