



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.03.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.77 of 2014
and M.P.No.1 of 2014

1. Superintendent of Police
Tirunelveli District
Palayamkottai
Tirunelveli 2.

2. Deputy Inspector General of Police
Tirunelveli Range
Palayamkottai
Tirunelveli 11.

3. Inspector General of Police
Law and Order
Chennai 4.

.. Appellants

Vs.

A.Arulraj

.. Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 29.06.2010 made in W.P.No.2134 of 2007 (T) on the file of this Court.

W.P.No. 2134/2007:

Writ Petition has been filed under Article 226 of the constitution of India came to be numbered by transfer of O.A. No. 1422/2000 on the file of the Tamil Nadu Administrative Tribunal praying to call for the records in P.R. No. 77/99 on the file of the first respondent and quash the order of punishment of postponement of increment for a period of 3 years without cumulative effect dated 17.6.1999 passed by the first respondent in Ref.No.C1/AP/60/99 dated 31.8.1999 and further confirmed by the third respondent in R.C.No. 263551/AP 2 (1)/99 dated 9.12.99.

For Appellants : Ms.A.Sri Jayanthi
Special Government Pleader
For Respondent : Mr.B.Vishnu Chelliya
for M/s Ajmal Associates



conducted a re-enquiry in the matter and formed a different opinion and thereafter, set aside the punishment. We are not in a position to agree with the views expressed by the learned Single Judge in the order under appeal.

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7. The other question is as to whether we should restore the original punishment given to the respondent. The respondent during the currency of this appeal accepted the punishment imposed by the Director General of Police by order dated 28 March, 2002 and as a result, he was paid the entire retirement benefits.

8. While confirming the order passed by the disciplinary authority and the modified order passed by the Director General of Police, we make it clear that the retirement benefits paid to the respondent shall not be refunded consequent to this judgment. In short, we confirm the order passed by the disciplinary authority and the appellate authority by setting aside the order passed by the learned Single Judge. However, we make it clear that this judgment would not affect the order permitting the respondent to retire from service and payment of his retirement benefits.

The intra court appeal is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

gms

To

1. The Superintendent of Police
Tirunelveli District
Palayamkottai
Tirunelveli 2.

2. Deputy Inspector General of Police
Tirunelveli Range
Palayamkottai
Tirunelveli 11.



3. Inspector General of Police
Law and Order
Chennai 4

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+1 CC to Mr. Ajmal Associates, sr 17917.
+1 CC to Govt. Pleader sr 18107.

W.A.No.77 of 2014

NRI (CO)
SP (03/04/2018)