

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16421 of 2007

K.Arivazhakan

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Vellore Range, Vellore.

2.Superintendent of Police,
Dharmapuri.

3.Director General of Police,
Chennai.

4.The Secretary to Government of Tamil Nadu
Home Department, Fort St.George,
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent herein, in its letter issued in NaKa.No.E3/26381/05 dated 25-10-2005 and quash the same and consequently direct the respondents to pay all the service benefits including pension, gratuity, computation of pension, other terminal benefits etc as per law and consequently pay 12% interest on the amounts of belated payment of pension and other terminal benefits from 25-10-1996 till the date of settlement as per the directions of Government of Tamil Nadu.

For Petitioner : Mr.M.A.Abdul Wahab

For Respondents : Mr.K.Ravi Kumar for R1 to R4
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent in NaKa.No.E3/26381/05 dated 25.10.2005 and to quash the same and to consequently direct the respondents to pay all the service benefits including pension, gratuity, computation of pension, other terminal benefits etc., as per law

and to consequently pay 12% interest on the amounts of belated payment of pension and other terminal benefits from 25.10.1996 till the date of settlement as per the directions of Government of Tamil Nadu.

2.The case of the petitioner is that while he was working as Grade II Police Constable in Dharmapuri Police Station, he was placed under suspension on 07.07.1995 based on the complaint of one Indirani. In the said complaint it was alleged that the petitioner had married her during the year 1981 and lived with her till March, 1995, due to which she gave birth to two children and thereafter, the petitioner married another lady namely, Kannagi on 03.03.1995 and

discarded her. Thereafter, the petitioner was charge sheeted and inquiry was conducted and finally, the Disciplinary Authority imposed the punishment of 'compulsory retirement'.

3.It is the further case of the petitioner that aggrieved by the said punishment, the petitioner filed appeal before the Superintendent of Police/ Appellate Authority and the Appellate Authority also confirmed the order of the Disciplinary Authority. Hence, the petitioner filed O.A.No.7030 of 1997 before the Tamil Nadu Administrative Tribunal challenging the said punishment and consequent to the abolition of the Tribunal, the original application has been transferred to this Court. Since the petitioner's terminal benefits was not paid to him on the ground that writ petition is pending before this Court, the petitioner has filed this writ petition for settlement of terminal benefits.

4.It is now represented that the said original application in O.A.No.7030 of 1997 which was transferred to this Court was renumbered as W.P.No.30059 of 2006 and the same was dismissed as withdrawn on 18.06.2008.

5.In view of the above, there is no legal impediment for the respondents to settle the retirement benefits due to the petitioner and nothing survives for further adjudication in the present writ petition. Accordingly, the writ petition is closed with a direction to the respondents to settle the retirement benefits due to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Inspector General of Police,
Vellore Range, Vellore.

2.The Superintendent of Police,
Dharmapuri.

3.The Director General of Police,
Chennai.

4.The Secretary to Government of Tamil Nadu
Home Department, Fort St.George,
Chennai.

W.P.No.16421 of 2007

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nr 07/08/2018



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