



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.19794 of 2018

V.Paramasivam

... Petitioner

Vs.

1. The Director General of Police,
Chennai.

2. The Superintendent of Police (Rural),
Madurai District.

3. The Accountant General (A&E),
Pension Department,
Chennai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to pay petitioner's salary with all arrears of allowances, attendant benefits thereon together with interest more fully from 25/07/2000 in the post of Head Constable and from 01/08/2010 in the post of Special Sub Inspector of Police, on the basis of petitioner's representation dated 17/07/2017 within the time stipulated by this Court.

For Petitioner	:	Mr.C.Jeganathan for M/s.Veera Associates
For Respondents	:	Mr.R.Sethuraman Special Government Pleader for R.1 & R.2 Mr.P.Gunasekaran for R.3

ORDER

This writ petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents to pay the salary with all arrears of allowances, attendant benefits together with interest, from 25.07.2000 in the post of Head Constable and from 01.08.2010 in the post of Special Sub-Inspector of Police, on the basis of the representation of the petitioner dated 17.07.2017.

2. The petitioner before this Court is a retired Special Sub-Inspector of Police and according to him, his promotion to the



posts of Head Constable and Special Sub-Inspector was initially deprived of under the guise of the pendency of the disciplinary proceedings in PR.No.119 of 1999 against him. After some legal struggles, the petitioner, vide proceedings of the Deputy Inspector General of Police dated 30.09.2011, got his promotion to the post of Head Constable from 25.07.2000 and Special Sub-Inspector from 01.08.2010, pending disciplinary proceedings, followed by which, the petitioner was given monetary benefits on and from 30.09.2011. Thereafter, the petitioner was allowed to retire from service on attaining the age of superannuation on 29.02.2016, however, with a condition that the departmental proceedings pending against the petitioner in PR.No.119/1999 shall be continued under Rule 9 of the Tamil Nadu Pension Rules, 1978.

3. According to the petitioner, vide Government Order in G.O.Ms.No.456, Home (Pol.1) Department, dated 22.05.2017, the disciplinary proceedings initiated against him was dropped. Since the disciplinary proceedings, on the basis of which the promotional opportunities of the petitioner were deprived of, has ended in his favour, according to the petitioner, he is entitled to all salary arrears including allowances along with interest, right from the date of appointment, ie., from 25.07.2000 in respect of Head Constable and from 01.08.2010 in respect of Special Sub-Inspector. In this regard, though the petitioner has made several representations, no positive response is forthcoming from the authorities and hence, the present petition came to be filed for the aforesaid relief.

4. When the matter came up for hearing today, the learned Counsel for the petitioner submitted that it would suffice if the second respondent is directed to dispose of the pending representation of the petitioner, dated 17.07.2017, on merits, within a stipulated time limit.

5. Considering the facts and circumstances of the case and also considering the limited scope of the relief sought for, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the representation of the petitioner, dated 17.07.2017 and pass appropriate orders, on merits and after affording due opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(crl side)



To

1. The Director General of Police,
Chennai.

2. The Superintendent of Police (Rural),
Madurai District.

3. The Accountant General (A&E),
Pension Department,
Chennai.

+1cc to M/s.Veera Associates, Sr.No.84549

+1cc to Mr.P.Gunasekaran, Advocate Sr.No.84716

+1cc to Spl.Government Pleader Sr.No.84445,84558

gk

VB/RP/SAR1/01.10.2018/3P/7C

W.P. (MD) No.19794 of 2018
14.09.2018