

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 65 of 2013

M. Nagarajan ... Appellant/Petitioner

Vs.

1. The Secretary to Govt
Public (L&O E2) Department
Fort St. George,
Chennai - 9.
 2. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai - 4
 3. The Superintendent of Police
Nilgris District,
Ooty.
- ... Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent Act against the order dated 27.07.2012 in W.P. No. 20142 of 2012 on the file of this Court to Calling for the records of the respondents in connection with the impugned orders passed by the 1st respondent in GO Ms.No.1214 Public (L&O E Department) dated 21.10.2008 and by the 2nd respondent in RC No.194556/ HRCcell/ 2008 dated 8.11.2008 and quash the same and further direct the 3rd respondent to reimburse the compensation amount of Rs.50,000/- recovered from the petitioner within a reasonable time.

For Appellant : Mr.Venkatramani, Sr.Counsel
For Mr.M. Muthappan

For Respondents : Ms.A. Sri Jayanthi
Spl. Government Pleader

J U D G M E N T
(Delivered by M.M.Sundresh,J.)

The impugned order passed is only an acceptance of the order passed by the National Human Rights Commission, New Delhi. Recovery was already made to the knowledge of the appellant and the same is not made recovered immediately but by 14 installments. Thereafter, the appellant has come forward to challenge the aforesaid Government Order. The appellant having accepted the order of recovery and paid the installments cannot challenge it after about four years later. Thus he cannot be permitted to contend that he was not aware of the impugned order earlier.

2. In such view of the matter, we do not find any error in the order passed by the learned Single Judge and the appeal stands dismissed. We make it clear that all the legal issues are left open, since the learned Senior Counsel appearing for the appellant submitted that challenging the subsequent disciplinary proceeding initiated through Department, a writ petition has been filed. Upon the order to be passed in the writ petition, the appellant can make a proper request before the respondents concerned.

3. Therefore, we make it clear that we are not going in to the merits of the aforesaid case. Thus, the writ appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

ssm

To:

1. The Secretary to Govt
Public (L&O E2) Department
Fort St. George,
Chennai - 9.
2. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai - 4

3. The Superintendent of Police
Nilgris District, Ooty

+1cc to Mr.M.Muthappan, Advocate SR.No.1283

+1cc to Government Pleader SR.No.1464

W.A. No. 65 of 2013

KJ(CO)
GMY(07/02/2019)



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