

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21344 of 2008

S.Selvaraj

.. Petitioner

-vs-

1. The Secretary to Government
Public Law & Order (E) Department
Fort St.George
Chennai 6000 09

2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai 600 004

3. The Superintendent of Police
Tuticorin District

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorarified Mandamus,
calling for the records of the third respondent in connection
with the impugned order passed by him in DO No.1036/08
C.No.F1/41282/2000 dated 7.8.2008.

For Petitioner :: Mr.G.Sankaran

For Respondents :: Mr.K.Ravikumar
Additional Government Pleader

ORDER

This writ petition has been directed against the impugned order dated 7.8.2008, placing the petitioner under suspension under Rule 3(e)(1)(ii) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955 and also making it clear that during the period of suspension, the petitioner shall be at Kovilpatty and shall not leave the headquarters without obtaining prior permission from the authority concerned.

2. When the matter was taken up, the learned Additional Government Pleader for the respondents submitted that now the prayer in the writ petition has become infructuous, as the petitioner was allowed to retire from service on reaching the age of superannuation on 31.8.2008 and the period of suspension from 7.8.2008 to 31.8.2008 was also treated as eligible leave. He has also produced a copy of the proceedings dated 4.5.2018 issued by the Superintendent of Police, Thoothukudi in this regard.

3. Placing on record the proceedings dated 4.5.2018 issued by the Superintendent of Police, Thoothukudi, the relevant portions of which read as follows,

"5. Now the Government in their letter No.1177, Public (L&O-E/2014-2013) Department dated 27.11.2017 have reviewed the order passed by the Deputy Inspector General of Police, Kancheepuram Range on 25.06.2014 in PR No.06/2012 u/r.3(b) of TNPSS (D&A) Rules, 1955 against Tr.C.Selvaraj, Spl.SI of Police. Further the criminal proceedings initiated against him in connection with the death of one remand prisoner Tr.Paraman @ Paramasivam also ended in acquittal in Additional Sessions Court-II, Thoothukudi on 06.04.2017 in SC No.254/2016.

6. Hence Tr.C.Selvaraj, Ex.SSI, (HC 717) formerly under suspension and NATR and subsequently allowed to retirement on 31.08.2008 AN without prejudice to the outcome of the review on the disposal of PR No.06/2012 u/r.3(b) by the Government vide this office D.O.No.1212/201, C.No.F1 PR.No.06/2012 dated 07.08.2014 is ordered to be deemed to have been allowed to retire on superannuation on the date of his original superannuation dated (i.e) 31.08.2008 AN vide this office D.O.No.37/2018 (C.No.F1/PRNo.06/2012 dated 02.01.2008. Accordingly entitled to draw all pensionary benefits with effect from 01.09.2008.

7. In this connection, a show cause notice was served on him on 27.04.2018 as to why the suspension period spent by him should not be treated as eligible leave. He has submitted his explanation on 27.04.2018. In his

explanation, he has requested to settle the period of suspension as treated as eligible leave.

8. Accordingly, the period of suspension spent by him is settled as follows as per FR 54(B).
07.08.2008 AN to 31.08.2008 AN - Eligible leave including EOL to the extent necessary.”,

this writ petition is dismissed as infructuous. Consequently, M.P.No.1 of 2008 is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Public Law & Order (E) Department
Fort St.George
Chennai 6000 09

2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai 600 004

3. The Superintendent of Police
Tuticorin District

+1 cc to the Government Pleader, S.R.No.38230

W.P.No.21344 of 2008

KJ(CO)
SSM(04/06/2019)

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