

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No8235 of 2018

Kavitha

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. by the Home Secretary,
Secretariat, Fort St.George,
Chennai.
2. The Director General of Police,
Santhome High Road,
Chennai.
3. The Inspector General of Police,
South Zone,
Azhagar Koil Road,
Madurai.
4. The D.I.G. Of Police,
Azhagar Koil Road,
Madurai.
5. A.Rajarajan,
Inspector of Police,
Sikkal Police Station,
Kadalai Taluk,
Ramanathapuram District - 623 528.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to consider and pass appropriate orders on the petitioner's representations dated 13.01.2016 and 06.07.2018, to suspend and complete the enquiry in respect of the complaint given by the petitioner as against the 5th respondent herein.

For petitioner : Mr.V.Prakash Babu
For Respondents: Mr.A.N.Thambi Durai

Special Government Pleader
for R1 to R4

ORDER

The relief as such sought for in the present writ petition is for a direction to directing the respondents 1 to 4 herein to consider and pass appropriate orders on the petitioner's representation dated 13.01.2016 and 06.07.2018 to suspend and complete the enquiry in respect of the complaint given by the petitioner against the 5th respondent.

2. The 5th respondent is now serving as Inspector of Police and the learned counsel for the writ petitioner submits that the writ petitioner had a live-in relationship with the 5th respondent for about 9 years. During that period, the writ petitioner made an allegation that the 5th respondent transmitted HIV and on account of the fact that the writ petitioner is now suffering and therefore, the petitioner made a representation to the Authorities concerned to initiate proper action against the 5th respondent.

3. The learned Special Government pleader made a submission that pursuant to the complaint submitted by the writ petitioner, the Competent Authorities instituted the departmental proceedings and the punishment of stoppage/postponement of next increment for a period of three years with cumulative effect on the 5th respondent on 19.12.2018 in PR.No.48/2017 under Rule 3(b) of the of the Discipline and Appeal Rules. In view of the fact that the punishment had already been imposed, no further consideration is required.

4. The learned counsel for the writ petitioner states that the writ petitioner made a representation for grant of compensation.

5. This Court is of the considered opinion that for grant of compensation an adjudication is required and such an adjudication requires taking of evidence, verification and documents etc. Thus, such an exercise cannot be done in a writ jurisdiction under Article 226 of the Constitution of India. If at all, the writ petitioner is entitled for compensation, the same is to be adjudicated in the manner known to law. However, the representation is concerned, the respondents 1 to 4, had conducted an enquiry and imposed the punishment under Discipline and Appeal Rules and as far as compensation is concerned, it is for the writ petitioner to work out for her remedy in accordance with law.

6. With these observations, writ petition stands disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

mp/pns

To

1. The Government of Tamil Nadu,
Rep. by the Home Secretary,
Secretariat, Fort St. George,
Chennai.

2. The Director General of Police,
Santhome High Road,
Chennai.

3. The Inspector General of Police,
South Zone,
Azhagar Koil Road,
Madurai.

4. The D.I.G. Of Police,
Azhagar Koil Road,
Madurai.

+1 CC to Mr.V.Prakash Babu, Advocate sr 33002.

+1 CC to Govt. Pleader sr 34050.

W.P.No.8235 of 2018

MR (CO)

SP (06/05/2019)

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