

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16285 of 2019

D.Ezhilan

.. Petitioner

Vs.

1.Director General of Police  
Tamil Nadu, Chennai 600004.

2.Commissioner of Police  
Greater Chennai,  
Vepery, Chennai 600007.

3.Joint Commissioner of Police  
Southern Zone, Greater Chennai,  
Bhatt Road, St Thomas Mount,  
Chennai 600016

4.Superintendent of Police  
Vellore District, Vellore

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to notionally fix the pay of the petitioner in the post of inspector of Police notionally w.e.f. 1998 - 1999 as directed by the 1<sup>st</sup> respondent and further send necessary pension proposal for drawing and disbursing pension and other retiral benefits of the petitioner in the post of Inspector of Police within a time frame to fixed by this Hon'ble Court.

For Petitioner : Mr.N.S.Nandakumar

For Respondents:Mr.A.N.Thambidurai

Additional Government Pleader

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O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to notionally fix the pay of the petitioner in the post of inspector of Police notionally w.e.f. 1998 - 1999 as directed by the 1<sup>st</sup> respondent and further send necessary pension proposal for drawing and disbursing pension and other retiral benefits of the petitioner in the post of Inspector of Police within a time frame to fixed by this Hon'ble Court.

2. The case of the petitioner is that he entered the service of the respondent department as Grade - I Police Constable in the year 1972 and promoted as Head Constable in the year 1979. In the year 1986, the petitioner was further promoted as Sub Inspector of Police. In the year 1992, while the petitioner was serving as Sub Inspector of Police, Chetpet Police Station, Thiruvannamalai District, there was a lockup death of one accused. Thereby, the departmental and criminal action was taken and he was suspended on 25.02.1992. Thereafter, he was reinstated in service on 15.08.1994 and again suspended on 15.11.1999 till his date of retirement for the very same incident. Thereafter, criminal case in SC.No.164 of 2000 is filed before the Additional District Judge, Thiruvannamalai and the same was ended in conviction and in view of the conviction in the criminal case, without further action the petitioner was dismissed from service on 19.11.2002.

3. Aggrieved by the said dismissal order, the petitioner preferred an appeal in Criminal Appeal No.1196 of 2002 before this Court. This Court by Judgment dated 07.06.2010 set aside the conviction order and acquitted the petitioner. Thereafter, the petitioner approached this Court to issue direction to the respondents to permit the petitioner to retire from service, accordingly, vide proceedings dated 04.09.2014 the petitioner was permitted to retire from service with effect from 30.06.2008.

4. The Deputy Inspector General of Police Vellore Range vide proceedings dated 31.10.2014 has ordered that the petitioner's suspension period from 25.02.1992 to 15.08.1994 and from 15.11.1999 to 30.06.2008 be treated as duty period for all purposes and granted all benefits as per Rule 54(B)-5(9)(b). It is the further case of the petitioner that he was not considered for the post of Inspector of Police though he became eligible to the post with effect from 1995-1996 on par with his juniors. Accordingly, the petitioner made representation on 23.02.2015 to the Director General of Police, Tamilnadu, requesting to promote him as Inspector of Police with effect from 1995-1996. On 19.04.2017, the Director General of Police, Tamilnadu granted notional promotion and included the name of the petitioner in the panel year 1998 - 1999. However, till date the petitioner's pay has not been fixed in the post of Inspector of Police. Therefore, the present Writ Petition has been filed.

5. Mr.A.N.Thambiduram, learned Additional Government Pleader appearing for the respondents would refer to paragraph no.9 of the counter affidavit filed by them and the same would read as follows:

"It is respectfully submitted that after receipt of the service book of Tr.Navaneetha Krishnan on 21.06.2019 from the Joint Commissioner, South Zone,

Greater Chennai by the 4<sup>th</sup> respondent within five days i.e. 26.06.2019 the petitioner's pay was fixed from the date on which his immediate junior Tr.Navaneetha Krishnan who was officiated as Inspector of Police, from dated of 16.07.1999 and his pay was regulated in proper manner based on sixth pay commission G.O.(MS). No.234 finance (PC) Dept, dated 01.06.2009. The re-fixation order issued by the 4<sup>th</sup> respondent in D.O.No.599/2019 Na.Ka.No.F2(1)/166/022380/2019, dated 26.06.2019 has been communicated to all officers concerned including the petitioner and he received the copy of order on 03.07.2019. Besides, his revised pension proposal also be sent to Accountant General for approval and concurrence in the letter Na.Ka.No.N1 (1)/26250/2019, dated 15.07.2019. After receipt of approval from the Accountant General Office, Tamil Nadu, Chennai, the revised pension will be drawn and disbursed to the petitioner."

6. Heard the counsel and perused the records.

7. A perusal of the counter affidavit would reveal that after receipt of the service book on 21.06.2019 from the Joint Commissioner, South Zone, Greater Chennai by the 4<sup>th</sup> respondent and the petitioner's pay was fixed from the date of immediate junior Tr.Navaneetha Krishnan who was officiated as Inspector of Police from 16.07.1999 and his pay was regulated in proper manner based on sixth pay commission as per G.O.(MS).No.234 Finance (PC) Department dated 01.06.2009. The re-fixation order issued by the 4<sup>th</sup> respondent dated 26.06.2019 has been communicated to all officers concerned including the petitioner and he received the copy of the order on 03.07.2019. The revised pension proposal also sent to Accountant General for approval on 15.07.2019. After receipt of the approval from the Accountant General Office, Chennai, the revised pension will be drawn and disbursed in favour of the petitioner.

8. In view of the above stand, I am inclined to issue direction to the respondents to complete the exercise within a period of twenty four weeks after receipt of the approval from the Accountant General, Chennai.

9. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (JJ Act)

//True Copy//

Sub Assistant Registrar

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To

1. Director General of Police  
Tamil Nadu, Chennai 600004.

2. Commissioner of Police  
Greater Chennai,  
Vepery, Chennai 600007.

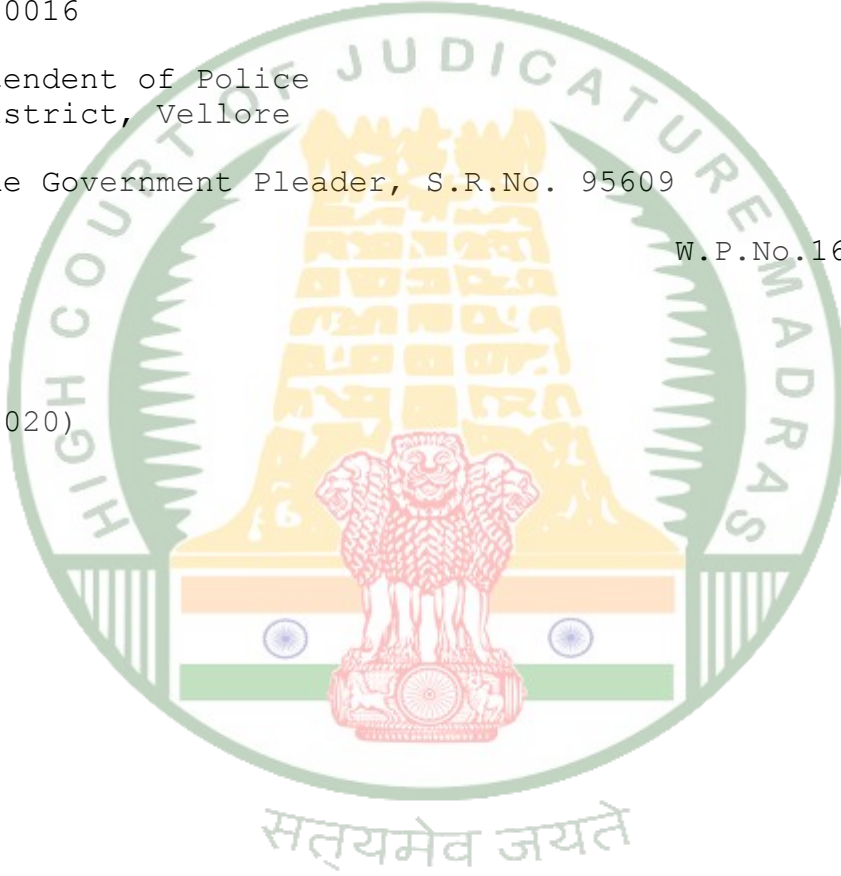
3. Joint Commissioner of Police  
Southern Zone, Greater Chennai,  
Bhatt Road, St Thomas Mount,  
Chennai 600016

4. Superintendent of Police  
Vellore District, Vellore

+1cc to the Government Pleader, S.R.No. 95609

W.P.No.16285 of 2019

KK(CO)  
GN(29/01/2020)



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