

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31475 of 2018
and
WMP.No.36679 of 2018

M.Senthil Kumar

... Petitioner

Versus

1. Superintendent of Police-I,
Security Branch CID,
Marutham Complex,
No.1, Boat Club Road,
R.A.Puram, Chennai-600 028.

2. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of pertaining to the show-cause notice dated 26.10.2018 in D1/Sec/5519/2018 issued by the first respondent, to quash the same and to issue consequential directions to the respondents to permit the petitioner to continue to reside in police quarters situated in Block No.1, Door No.5, Gopalapuram Police Quarters, Chennai-600 086.

For Petitioner : Mr.P.Rajkumar Pandian

For Respondents 1&2 : Mr.A.N.Thambidurai
Spl. Govt. Pleader

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O R D E R

The show-cause notice issued by the Superintendent of Police, Security Branch CID, in proceeding dated 26.10.2018 directing the writ petitioner to handover the Government quarters allotted to him at Police quarters, situated in Block No.1, Door No.5, Gopalapuram Police Quarters, Chennai-600 086.

2. The writ petitioner was working as a Constable and subsequently, removed from service on 23.10.2018. On account of the punishment of removal from service, the Competent Authority issued a show-cause notice on 26.10.2018, directing the writ petitioner to vacate the Government quarters, within a period of two days from the date of receipt of this notice.

3. This Court is of the considered opinion that, the Government employees/Police personnel in occupation of the Government quarters must vacate the premises on transfers/retirement/punishment of removal from service. Government quarters can never be occupied by a person who is not performing public services in respect of the station / area concerned.

4. The Government quarters are meant for the convenience of the public servant who all are serving in that locality. This being the very purpose and object of constructing the Government quarters and allotting the same to the public servants who all are serving in that locality for efficient and effective public administration, on transfer/retirement/punishment of removal from service, the employee must vacate the quarters, enabling the Competent Authority to allot the said quarters to other officials who all are serving in that locality.

5. Undoubtedly, a reasonable time is to be granted to the employee for the purpose of shifting the residence. In the present case on hand, the writ petitioner was removed from service on 23.10.2018, however, he filed the writ petition on 23.11.2018 and till today he is continuing in the quarters for more than 3 1/2 months after imposing the punishment of removal from service. However, the present writ petition is taken today, this Court is of an opinion that one month time is to be granted for the writ petitioner to vacate the Government quarters and surrender the same to the Competent Authorities. Taking in to account the family circumstances and the education of the children of the writ petitioner, the writ petitioner is granted one month from today to vacate the premises and handover the key to the Competent Authority.

6. Accordingly, the following orders are passed,

1. The writ petitioner is directed to vacate the Police quarters allotted to him at Block No.1, Door No.5, Gopalapuram Police Quarters, Chennai-600 086, on or before 31.03.2019.
2. The respondents are directed to evict the writ petitioner on 01.04.2019, if the writ petitioner fails to vacate the quarters on 31.03.2019.

7. With the above directions, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

Pkn

To

1. Superintendent of Police-I,
Security Branch CID,
Marutham Complex,
No.1, Boat Club Road,
R.A.Puram, Chennai-600 028.

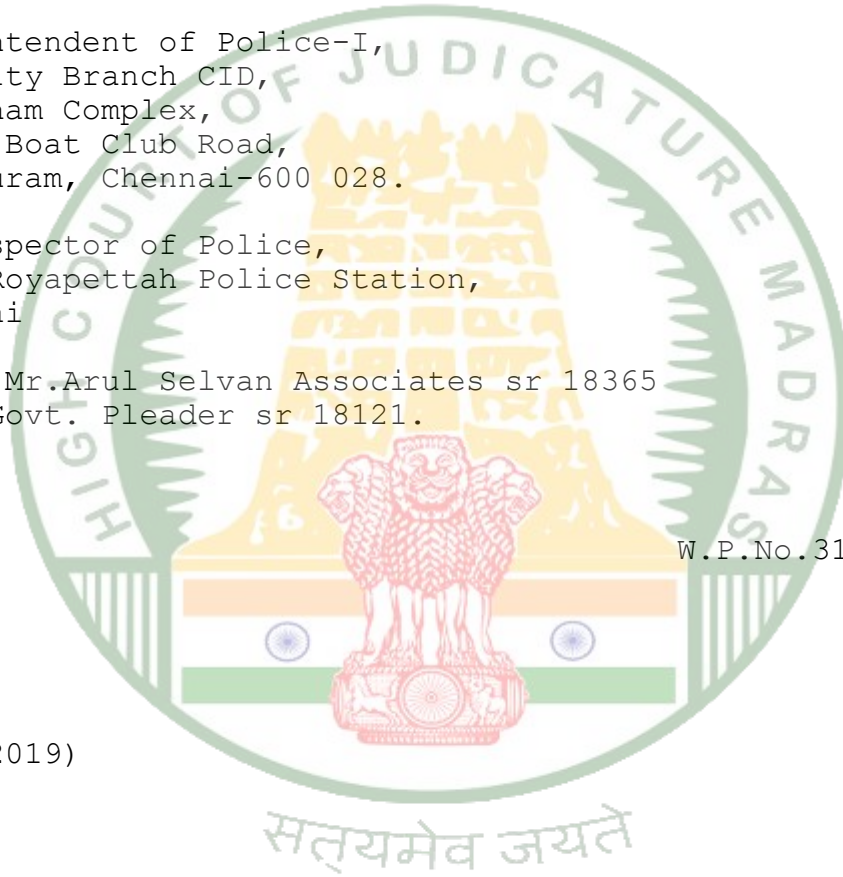
2. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai

+2 Ccs to Mr.Arul Selvan Associates sr 18365

+1 CC to Govt. Pleader sr 18121.

W.P.No.31475 of 2018

GJ (CO)
SP (29/03/2019)



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