



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

**W.P(MD) .No. 15238 of 2019
and W.M.P. (MD) Nos.11767 & 11766 of 2019**

V. Ravindran

: Petitioner

Vs.

1. The Commissioner of Police,
O/o.City Police Office,
Trichy City.
2. The Superintendent of Police,
O/o. District Police Office,
Perambalur District.
3. The Accounts Officer,
State Pay & Account Office,
O/o.The Accountant General (A & E),
Chennai.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus to call for the records relating with the order passed by the first respondent made in Na.Ka.No.B5/20209/2018 (Ma.Aa.No.11/2019), dated 05.01.2019 and its consequential order passed by the second respondent in Na.Ka. No.B3/15934/2019 (Ma.Aa.No.29/2019), dated 22.01.2019 and quash the same as it is arbitrary and illegal and in consequence to direct the respondents to reimburse the amount, which is deducted from the petitioner's salary towards the recovery of penal rent.

For Petitioner

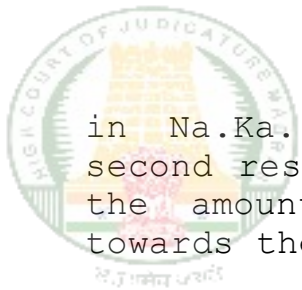
: Mr.R. Suriyanarayanan

For Respondents

: Mr.A. Muthukaruppan,
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order dated, 05.01.2019 in Na.Ka.No.B5/20209/2018 (Ma.Aa.No.11/2019) passed by the first respondent and its consequential order, dated 22.01.2019



in Na.Ka. No.B3/15934/2019 (Ma.Aa.No.29/2019) passed by the second respondent and also to direct the respondents to reimburse the amount, which was deducted from the petitioner's salary towards the recovery of penal rent.

2. The grievance of the petitioner is that though, he had vacated the police officer's quarters situated at Bhima Nagar, Trichy on 01.09.2018, the second respondent has issued an order for recovering the penal rent from his salary vide his order dated, 22.01.2019 in Na.Ka.No.B3/15934/2019 (Ma.Aa.No.29/2019) and the above said order was passed in pursuance of the order, dated 05.01.2019 in Na.Ka.No.B5/20209/2018 (Ma.Aa.No.11/2019) passed by the first respondent. The further grievance of the petitioner is that while, passing the impugned order, the first respondent has not granted an opportunity to the petitioner to put forth his explanation and hence, the impugned order is liable to be quashed.

3. The learned Additional Government Pleader appearing for the respondents would submit that no opportunity was granted to the petitioner.

4. Therefore, taking note of the facts and circumstances of the case, it is clearly revealed that while passing the impugned order, no opportunity was granted to the petitioner. Therefore, this Court has no hesitation to quash the impugned order, dated, 05.01.2019 in Na.Ka.No.B5/20209/2018 (Ma.Aa.No.11/2019) passed by the first respondent and its consequential order, dated 22.01.2019 in Na.Ka. No. B3/15934/2019 (Ma.Aa.No.29/2019) passed by the second respondent and the matter is remanded back to the first respondent to consider the matter afresh. The first respondent/Commissioner of Police, City Police Office, Trichy City is directed to re-consider the recovery order and to pass appropriate orders in accordance with law, as early as possible, within a period of Twelve (12) weeks, from the date of receipt of copy of the order.

5. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Commissioner of Police,
O/o.City Police Office,
Trichy City.

2. The Superintendent of Police,
O/o. District Police Office,
Perambalur District.

3. The Accounts Officer,
State Pay & Account Office,
O/o.The Accountant General (A & E),
Chennai.

+1 CC to Mr.R.SURIYANARAYANAN, Advocate (SR-77402[F] dated
24/07/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-77713[F] dated
25/07/2019)

WP (MD) .No. 15238 of 2019
24.07.2019

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