



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20673 of 2019

K.V.R.Kalaimohan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Principal Secretary
to the Government,
Home (Police) Department,
Secretariat, Chennai-600 009.

2.The Director General of Police,
Tamil Nadu, Chennai-600 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to provide interest at the rate of 12% per annum for the belated payment of Death cum Retirement Gratuity from 01.06.2012 to 31.10.2018 in accordance with the Rule 45 A of the Tamil Nadu Pension Rules, 1978 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.V.Anand,
Government Advocate.

ORDER

Heard Mr.T.Lajapathi Roy, learned counsel appearing on behalf of the petitioner and Mr.V.Anand, learned Government Advocate, who takes notice on behalf of the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed for a direction to the first respondent to provide interest at the rate of 12% per annum for the belated payment of Death cum Retirement Gratuity from 01.06.2012 to 31.10.2018 in accordance with Rule 45 A of the Tamil Nadu Pension Rules, 1978.

<https://hcservices.ecourts.gov.in/hcservices/> 4.By Appointment to the petitioner, he was appointed as Sub-



Inspector of Police and promoted as Deputy Superintendent of Police. While being so, the petitioner was issued with a charge memo, dated 23.05.2012 and thereafter, suspended from service on 29.05.2012. Against which, the petitioner has filed W.P.(MD)No.12072 of 2012. This Court, by the order dated 10.02.2017, has allowed the Writ Petition, directing the respondents to settle all retirement and pensionary benefits to the petitioner, within a period of eight weeks from the date of receipt of a copy of the order. Thereafter, by issuing G.O.(2D) No.53, dated 19.02.2018, the first respondent has dropped the charges against the petitioner. Even after dropping the charges, the petitioner was not paid with the Death Cum Retirement Gratuity. In this regard, the petitioner has sent a representation, dated 29.11.2018, to the respondents. However, the same was not considered, so far. Hence, the petitioner has come out with the present Writ Petition.

5.Though various averments have been raised in the affidavit filed in support of this Writ Petition, when the matter is taken up for admission, the learned counsel appearing for the petitioner submitted if a direction is issued to the respondents to pass orders on the representation of the petitioner, dated 29.11.2018, it would suffice.

6.The learned Government Advocate appearing on behalf of the respondents submitted that the representation of the petitioner, dated 29.11.2018, will be considered on merits and suitable orders will be passed, within a stipulated period that may be fixed by this Court.

7.Considering the abovesaid submission made by the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents, this Court directs the respondents to consider the representation of the petitioner, dated 29.11.2018, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Myr



To

1.The Principal Secretary
to the Government,
State of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai-600 009.

2.The Director General of Police,
Tamil Nadu, Chennai-600 004.

+1 CC to M/s.GP (SR-89813[F] dated 26/09/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-89911[F] dated 27/09/2019)

W.P. (MD) No.20673 of 2019

25.09.2019

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