



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.25281,25283 & 25285 of 2019

WEB COPY

Veerabagu	: Petitioner in WP.(MD)No.25281/ 2019
Sivasubramanian	: Petitioner in WP.(MD)No.25283/ 2019
J. Rathinasamy	: Petitioner in WP.(MD)No.25285/ 2019

Vs

1. The Director General of Police
Chennai -4
 2. The Deputy Inspector General of Police
Tirunelveli Range
Palayamkottai
 3. The Superintendent of Police
Thoothukudi District
Thoothukudi
- : Respondents in all WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pass appropriate orders on the petitioners' representation dated 18.11.2019 regarding payment of encashment of leave salary Special Provident Funds I and II, since the petitioner is suffering monetarily after their superannuation, they are not getting the retirement benefits, respectively, within a specified time frame that may be fixed by this Court.

For Petitioners in all WPs : Mr.A.Gandiappan
For Respondents in all Wps : Mr.V.Anand
Government Advocate

C O M M O N O R D E R

These Writ Petitions are filed to direct the respondents to pass appropriate orders on the petitioners' representation dated 18.11.2019, regarding the payment of encashment of leave salary and Special Provident Funds I and II, to the petitioner, within a stipulated time frame as fixed by this Court.

2.Mr.V.Anand, learned Government Advocate takes notice on behalf of the respondents in all Writ Petitions. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.



3. According to the petitioner in WP.(MD)No.25281 of 2019, he joined as Grade II Police Constable on 15.12.1981 and was promoted as Grade I Police Constable, Head Constable and subsequently, as Sub-Inspector of Police. He was serving as Sub-Inspector of Police at Central Crime Branch, Thoothukudi District and his date of superannuation was 31.03.2018.

4. According to the petitioner in WP.(MD)No.25283 of 2019, he joined as Grade II Police Constable on 11.01.1982 and was promoted as Grade I Police Constable, Head Constable and subsequently, as Special Sub-Inspector of Police. He was serving as Special Sub-Inspector of Police at Control Room, Thoothukudi District and his date of superannuation was 31.05.2018.

5. According to the petitioner in WP.(MD)No.25285 of 2019, he joined as Grade II Police Constable on 17.10.1981 and was promoted as Grade I Police Constable, Head Constable and subsequently, as Sub-Inspector of Police. He was serving as Sub-Inspector of Police at Thermal Police Station, Thoothukudi District and his date of superannuation was 31.07.2016.

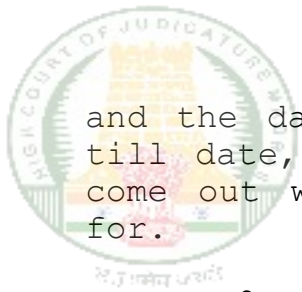
6. Further, the petitioners in all the Writ petitions, are not allowed to retire and were placed under suspension, as per proceedings in C.No.F1/PR 118-127/2001 dated 21.03.2018, 21.05.2018 & 27.07.2016 respectively, due to pendency of criminal cases against them, as under.

1. Petitioner in WP(MD) No.25281 of 2019:- Criminal case in Thalamuthunagar Police Station in Crime No.178 of 1999 for the offences under Section 174 of Cr.P.C altered into 302 of IPC is pending before the Sessions Court, Thoothukudi and also the departmental enquiry in PR.No.123/2001 under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 [hereinafter referred to as 'the Rules'] is pending.

2. Petitioner in WP(MD) No.25283 of 2019:- Criminal Case in Thalamuthunagar Police Station in Crime No.178 of 1999 for the offences under Section 174 of Cr.P.C altered into 302 of IPC is pending before the Sessions Court, Thoothukudi and also the departmental enquiry in PR.No.124/2001 under Rule 3(b) of the Rules is pending.

3. Petitioner in WP(MD) No.25285 of 2019:- Criminal Case in Thalamuthunagar Police Station in Crime No.178 of 1999 for the offences under Section 174 of Cr.P.C altered into 302 of IPC is pending before the Sessions Court, Thoothukudi and also the departmental enquiry in PR.No.126/2001 under Rule 3(b) of the Rules is pending.

7. In this regard, the petitioners in all Writ petitions have made representations to the respondents on various dates



and the date of their last representation is 18.11.2019. However, till date, no order has been passed. Hence, the petitioners have come out with these present Writ Petitions for the relief sought for.

8. Considering the nature of relief sought for in the Writ Petitions, this Court without going into the merits of the matter, directs the respondents to consider the representation of the petitioners in all Writ petitions, dated 18.11.2019, on merits and pass appropriate orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

vrn/gns

To

1. The Director General of Police
Chennai -4
2. The Deputy Inspector General of Police
Tirunelveli Range
Palayamkottai
3. The Superintendent of Police
Thoothukudi District
Thoothukudi

+3 CC to Mr.A. GANDIAPPAN, Advocate SR-102207, 102206, 102205
+1 CC to SPL GP (SR-102830[F] dated 29/11/2019)

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28.11.2019

MK (31.12.2019) 3P 8C