



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2020

CORAM

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.17158 of 2020

K.Banu

...Petitioner

Vs

1. The Deputy Inspector General of Police,
Tiruchirappalli Range,
Tiruchirappalli.

2. The Superintendent of Police,
Pudukottai,
Pudukottai District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to regularize the period of suspension from 28.09.2012 to 30.06.2016 and to consider the explanation dated 29.06.2020.

For Petitioner : Mr.P.Arun Jayaram
For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

This Writ Petition is filed to direct the 1st respondent to regularize the petitioner's period of suspension from 28.09.2012 to 30.06.2016 and to consider his explanation dated 29.06.2020.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that when the petitioner was working as Sub Inspector of Police, the Inspector of Police, Vigilance and Anticorruption, Pudukottai, has registered a case in Cr.No.6 of 2012 as against the petitioner under Section 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 and the same has been taken on file in C.C.No.2 of 2013 by the learned Chief Judicial Magistrate, Pudukottai. After trial, the learned Magistrate, by judgment dated 28.02.2017 acquitted the petitioner from all the charges framed as against her and



challenging the same, the respondent police has preferred an appeal in CrI.A.(MD) No.331 of 2017 before this Court. At this juncture, the 1st respondent, by his proceedings dated 22.04.2020, awarded a punishment of compulsory retirement to the petitioner.

4.The learned counsel would further submit that the 1st respondent has already issued a show cause notice to the petitioner on 26.06.2020 calling upon her as to why the period of suspension ie., from 28.09.2012 to 30.06.2016 should not be treated as leave without pay, for which, the

petitioner has submitted a reply on 29.06.2020 to treat the aforesaid suspension period as leave without pay and to regularize the suspension period, enabling her to submit the pension papers. He would further submit that subsequent to the compulsory retirement, though the petitioner has made a representation dated 03.09.2020 to the respondents seeking to sanction the provisional pension with effect from May 2020, the same has not been considered so far. Hence, left with no other alternative, the petitioner is before this Court for the relief stated supra.

5.In reply, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents would submit that the petitioner's representation dated 03.09.2020 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6.Though the petitioner has made a representation dated 03.09.2020 to the respondents seeking to sanction the provisional pension with effect from May 2020, on a perusal of the same, it appears that the same would not suffice to pass any direction for the respondents to consider the same.

7.In such view of the matter, this Court is inclined to pass the following directions:-

i) the petitioner is at liberty to submit a fresh representation in detail before the respondents to workout her remedy, within a period of three weeks from the date of receipt of a copy of this order;

ii) on receipt of such representation, if any, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law;

iii) the aforesaid exercise shall be completed by the respondents within a period of eight weeks from the date of receipt of the fresh representation from the petitioner;



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

Sd/-

Assistant Registrar (T&P)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

mm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Deputy Inspector General of Police,
Tiruchirappalli Range,
Tiruchirappalli.
2. The Superintendent of Police,
Pudukottai,
Pudukottai District.

+1 CC to the SPL GP (SR-23667[F] dated 02/12/2020)

W.P. [MD]No.17158 of 2020
30.11.2020

SSS(CO)
CS(16.12.2020) 3P 4C