



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.12.2020**

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.17521 of 2020

P.Usharani

...Petitioner

Vs

1.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai -4.

2.The Commissioner of Police,
Chennai.

3.The Accountant General,
Accounts and Entitlements,
361, Annasalai,
Teynampet,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to convert the suspension period 23-09-2009 to 10-02-2011 as duty period, on the basis of the petitioner's representation dated 10-11-2020 within a stipulated time.

For Petitioner : Mr.A.Rajaram

For R1 & R2 : Mr.M.Jeyakumar

Additional Government Pleader

For R3 : Mrs.Mahalakshmi

ORDER

This Writ Petition is filed to direct the 1st respondent to convert the suspension period of the petitioner's husband ie., from 23.09.2009 to 10.02.2011 as duty period, by considering the representation dated 10.11.2020.

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 the petitioner's husband was initially working as Head



Constable in the respondent department. On attaining the age of superannuation, the petitioner's husband retired from service on 30.11.2011 and thereafter, he died on 04.10.2012.

4.The learned counsel would further submit that when the petitioner's husband was working with the respondents 1 and 2, he was issued with a charge memo in the month of February, 2009 in P.R.No.79/2009 for receiving a sum of Rs.200/- as bribe from one lottery business man, for which, an enquiry has been conducted by the Assistant Commissioner of Police, Chennai and the report of the same has been submitted on 16.08.2009. Based on the said enquiry report, the Deputy Commissioner of Police, Headquarters, Chennai Suburban Police, by proceedings dated 23.09.2009, has awarded a punishment of removal from service upon the petitioner.

5.The learned counsel would further submit that challenging the aforesaid order dated 23.09.2009, the petitioner's husband has preferred an appeal before the 2nd respondent and the same has been dismissed on 12.01.2010 and thereafter, the petitioner's husband has preferred a review petition before the 1st respondent, by challenging the dismissal order dated 12.01.2010. The 1st respondent, by proceedings dated 18.01.2011, has allowed the review petition, modifying the punishment awarded by the Deputy Commissioner of Police, Headquarters, Chennai Suburban Police, as post-ponement of increment for one year without cumulative effect. Hence, the petitioner has made a representation dated 10.11.2020 to the respondents seeking to convert the suspension period of her husband ie., from 23.09.2009 to 10.02.2011 as duty period, to revise the family pension and to provide the same. However, the respondents have not considered the petitioner's request so far. Hence, the present writ petition.

6.Mrs.Mahalakshmi, learned counsel, who accepts notice on behalf of the 3rd respondent, would submit that the 1st respondent is the competent authority to consider the claim of the petitioner.

7.Mr.M.Jeyakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2, would submit that the petitioner's representation dated 10.11.2020 would be considered by the 1st respondent on merits and in accordance with law, within a period of eight weeks.

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

the 1st respondent is directed to consider the petitioner's representation dated 10.11.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order;



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

Sd/-

Assistant Registrar (AE)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai -4.

2. The Commissioner of Police,
Chennai.

3. The Accountant General,
Accounts and Entitlements,
361, Anna Salai,
Tenampet, Chennai.

+1 CC to M/s.A.RAJARAM, Advocate (SR-24063[F] dated 04/12/2020)

+1 CC to SGP (SR-24388[F] dated 08/12/2020)

W.P. (MD) No.17521 of 2020

04.12.2020

SS (CO)

NR (16/12/2020) 3P : 6C