



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.21986 of 2015

M.Muruga Boopathy

... Petitioner

-Vs-

1.The Principal Accountant General (A & E)
Chennai.

2.The Superintendent of Police,
Kanyakumari District
At Nagercoil.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the second respondent pertaining to its order No.C.No.M1/Pen.03/2015, dated .04.2015 and to quash the same and consequently direct the respondents to sanction and disburse the eligible pension for the petitioner as Special Sub Inspector of Police.

For Petitioner : Mr.S.C.Herold Singh

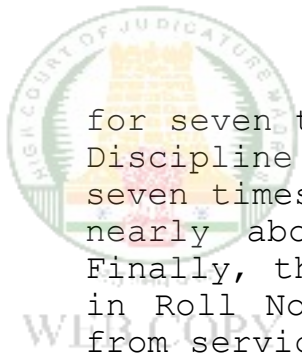
For Respondents : Mr.P.Gunasekaran (for R1)
Mr.C.M.Marichelliah Prabhu
Additional Government Pleader (for R2)

ORDER

The order passed by the second respondent in April 2015 reducing the pension of the writ petitioner, is under challenge in the present writ petition.

2.The writ petitioner states that he joined the Police Department on 23.12.1985 in Armed Reserve. He was promoted as Grade-I Police Constable on 27.08.1997. The petitioner states that the benefit of Government Orders issued in G.O.Ms.No.1681, dated 12.11.1992 and another issued in G.O.Ms.No.844, dated 03.06.1997 were not granted even after his promotion to the post of Grade-I Police Constable. In other words, the time bound promotion and subsequent benefits granted to other police man were not granted to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

3.The fact remains that the writ petitioner was appointed as Grade-II Police Constable in Armed Reserve on 23.12.1985 and he was promoted as Grade-I Police Constable on 27.08.1977. The disciplinary proceedings under Rule 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules were initiated



for seven times. Simultaneously, proceedings under Rule 3(b) of the Discipline and Appeal Rules were also initiated against him for seven times and punishments were imposed. The petitioner was facing nearly about fourteen disciplinary proceedings in his services. Finally, the disciplinary proceedings under Rule 3 (b) was initiated in Roll No.106 of 2008 and after enquiry, punishment of dismissal from service was awarded. The appeal as well as the mercy petitions filed by the writ petitioner were rejected. Thereafter, he filed W.P.(MD)No.13992 of 2010. This Court passed an order on 17.02.2014, remanding the matter back to the appellate authority, namely, the Deputy Inspector General of Police, Tirunelveli range, for fresh consideration. The appellate authority modified the punishment with compulsory retirement from service vide proceedings, dated 18.07.2014. Thereafter, the punishment of compulsory retirement was awarded with effect from 11.07.2009. The pension and other benefits were calculated based on the punishment of compulsory retirement imposed on the writ petitioner and accordingly, the pensionary benefits and pension were paid to the writ petitioner.

4.The writ petitioner had not completed 15 years of service as on 03.06.1997 and therefore, he is not eligible for upgradation as Head Constable and Sub-Inspector of Police. This apart, Government Orders in G.O.Ms.No.1681, Home Department, dated 12.10.1992 and G.O.Ms.No.844, Home Department, dated 03.06.1997 were issued in favour of certain individual group of persons and such Government Orders passed in favour of certain individuals cannot be extended for all policeman in future also. It is not a general policy issued in the Government order. This an order passed as on one time measure for a group of people, who are otherwise competent. This apart, the writ petitioner has not completed 15 years of service as on 03.06.1997 and further, he had faced nearly about fourteen departmental disciplinary proceedings on various occasions and therefore, he was not made eligible for promotion to the post of Head Constable and Sub-Inspector of Police. This being the factum, the pension and pensionary benefits were calculated based on the punishment of compulsory retirement imposed on the writ petitioner with effect from 11.07.2009 and the writ petitioner has not placed any grounds with reference to the fixation of pension with reference to the payment of pension on compulsory retirement. Thus, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (Crl Side)

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Sub Assistant Registrar(CS)



To
The Superintendent of Police,
Kanyakumari District
At Nagercoil.

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+1 CC to M/s.GP (SR-20534[F] dated 19/10/2020)

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