

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2021
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.No.17230 of 2014

N.Rajavelu

... Petitioner

Vs.

1. The Superintendent of Police,
Ooty District, Ooty.
2. The Superintendent of Police,
Villupuram District, Villupuram.
3. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
4. The Accountant-General (Entitlement),
Teynampet, Chennai - 6. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Superintendent of Police, Ooty to send proposals to the third and fourth respondents for settlement of the retirement benefits to the petitioner namely provident fund, gratuity, surrender of leave salary, regular pension, etc. within a reasonable time.

For Petitioner : Mr.Venkataramani, S.C.
for Mr.M.Muthappan

For Respondents : Mr.R.Selvam
Government Advocate

सत्यमेव जयते
ORDER

According to the petitioner, he joined as Grade II Police Constable in the District Armed Reserve, Cuddalore, on 01.03.1972 and was later on, promoted as Grade-I Police Constable with effect from 03.03.1993 and as Head Constable with effect from 16.01.1998 and he retired from service on 28.02.2011. It is the further case of the petitioner that while he was serving as Head Constable attached to Elavanarasukottai Police Station during the year 2007, he was falsely implicated in a criminal case in Crime No.159 of 2007 on the file of Ulundurpet Police Station for the offences punishable under sections 342 and 376 IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act and also under Section 3(2)

(v) of the SC/ST Act along with one Veeran, who was serving along with the petitioner. Due to the same, the petitioner was suspended from service and he was subjected to departmental proceedings under Rule 3(b) of TNPSS (D & A) Rules in PR No.17 of 2007, which ended in the punishment of reduction in time scale of pay for a period of one year with cumulative effect by order dated 18.10.2010. Challenging the said order, the petitioner filed an appeal, which was rejected on the ground of limitation. Thereafter, as per the order of this Court in WP.No.3150 of 2011, the appeal was entertained by the Appellate Authority, who after contest, modified the punishment of reduction in time scale of pay by one stage for one year with cumulative effect into one of black mark. In the mean while, the criminal case initiated against the petitioner ended in acquittal by order dated 29.01.2011 in SC.No.50 of 2010. Though the departmental as well as the criminal proceedings initiated against the petitioner were concluded, the respondents did not take any steps for settlement of retirement benefits due to the petitioner. Hence, the petitioner made a detailed representation on 21.03.2014 requesting the respondents to settle the retirement benefits along with interest at 12% p.a. Finding no response on the same, he has come up with the present writ petition seeking a direction to the Superintendent of Police, Ooty to send proposals to the third and fourth respondents for settlement of his retirement benefits within a reasonable time.

2.Upon notice, the respondents filed a detailed counter affidavit, inter alia stating that since the criminal appeal as against the order of acquittal of the petitioner, is pending, no DCRG can be drawn and paid under the Tamil Nadu Pension Rules; and the period of suspension from 20.02.2007 to 28.05.2010 can be regularised as duty for all purposes or otherwise, can be done only after the disposal of the criminal appeal.

3.However, today, when the matter came up for hearing, the learned Government Advocate appearing for the respondents, on instructions, submitted that the criminal appeal filed against the acquittal of the petitioner and other accused, was disposed of on 13.02.2017.

4.In view of the aforesaid submission made by the learned Government Advocate appearing for the respondents, this Court directs the respondents to consider the representation of the petitioner dated 21.03.2014 for settlement of retirement benefits and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

vrc

To

1. The Superintendent of Police,
Ooty District, Ooty.
2. The Superintendent of Police,
Villupuram District, Villupuram.
3. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
4. The Accountant-General (Entitlement),
Teynampet, Chennai - 6.

+1CC TO MR. M. MUTHAPPAN, ADVOCATE, SR. NO. 1531

W.P.No.17230 of 2014

AJB (CO)
KKN 28.04.2021

सत्यमेव जयते

WEB COPY