



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13782 of 2021

WEB COPY

S.Sundari

... Petitioner

Vs.

The Commissioner of Police,
Madurai City, Madurai

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to revoke the order of suspension dated 13.05.2010 and the order of removal from service dated 08.02.2017 passed against the petitioner's husband S.M.Saminadhan and consequently direct the respondent to disburse the monetary benefits for the period from 12.05.2010 to 30.09.2010 based on her representation dated 29.06.2021 within a time frame as fixed by this Court.

For Petitioner : Mr.C.Arul Vadivel @ Sekar
for Ms.S.Bharathi

For Respondent : Mr.S.Shanmugavel
Standing Counsel for State Government.

ORDER

Mr.S.Shanmugavel, learned Standing Counsel for State takes notice for the respondent.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, the petitioner's husband viz., S.M.Saminathan, joined service in the police Department as Constable. While he was working as Inspector of Police, at Madurai, a case in Crime No.13 of 2010 was registered and the same was taken on file in S.C.No.75 of 2011 by the Special Court for trial of Prevention of Corruption Cases, Madurai and he was convicted in the said case. Therefore, the petitioner's husband was suspended and thereafter removed from service. As against the judgment passed by the trial Court, the petitioner's husband preferred an appeal in CrI.A.(MD)No.479 of 2016 before this Court. This Court, by judgment dated 21.12.2020, allowed the Criminal Appeal and acquitted the petitioner from the criminal case. Thereafter, the petitioner's husband made a representation dated 03.05.2021 to the respondent,



requesting him to revoke the suspension as well as the order of removal from service. In the meantime, the petitioner's husband died on 25.06.2021. Hence, the petitioner made a representation dated 29.06.2021 to the respondent seeking to revoke the order of suspension, removal from service and to disburse all the monetary benefits. Since no order has been passed, the petitioner has come out with the present Writ Petition.

4. The learned Standing Counsel for State appearing for the respondent submitted that the respondent may verify whether any appeal has been preferred against the judgment in the Criminal Appeal and thereafter, may pass appropriate orders.

5. Considering the submissions made on either side, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 29.06.2021 and pass appropriate orders on its own merits and in accordance with law, as expeditiously as possible preferably, within twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Vsm

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:

The Commissioner of Police,
Madurai City, Madurai.

+1 CC to M/s.GP (SR-25778[F] dated 10/08/2021)

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RD(18.08.2021) 2P 3C