



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.5096 OF 2022

R.Rajendran

... Petitioner

-vs-

1. The Director General of Police,
(Law and Order)
Police Headquarters,
Mylapore, Chennai - 600 004.
2. The Deputy Inspector General of Police,
Villupuram Range,
Villupuram District,
Villupuram.
3. The Superintendent of Police,
Villupuram District,
Villupuram.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to disburse of the Terminal and other benefits, including the pensionary benefit, wages for his suspension period, increment and other monetary benefit of the Petitioner, based on his representation dated 20.10.2021, within the time period that may be stipulated by this Court.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader

O R D E R

Heard Mr. K.Thilageswaran, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader, who takes notice for the Respondents, and



perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, while he was working as Inspector of Police in City Crime Branch, Tirunelveli, a criminal case in Crime No. 10 of 2007 under Section 7 of the Prevention of Corruption Act, 1988, was registered against him by the Vigilance and Anti Corruption Department and he was transferred to the Office of the Superintendent of Police, Villupuram District. The criminal case ended in conviction of the Petitioner by order dated 19.02.2016 in Special Case No. 42 of 2014 passed by the Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli and in view of such conviction by the Criminal Court, the Petitioner was dismissed from service by the Second Respondent by Order in D.O. No. 131/2016 dated 26.04.2016 which was communicated to him by Order No. D.O. 467/2016 dated 27.04.2016 by the Third Respondent. However, the conviction of the Petitioner in the criminal case was set aside by the Madurai Bench of this Court by the judgment dated 11.12.2020 in CrI. A. Nos. 61 and 138 of 2016 and the Petitioner was acquitted. The Petitioner then made a representation dated 15.09.2021 to set aside the order of termination from service in view of his acquittal in the criminal case in the appeal.

3. It has been brought to notice by that by proceedings in C. No. D1/22234/ 2021 dated 15.11.2021 issued by the Third Respondent, it has been informed to the Petitioner that the decision relating to the filing of Special Leave Petition before the Hon'ble Supreme Court of India against the acquittal in the criminal case from the Government is awaited and his representation would be considered on receipt of the report from the Director of Vigilance and Anti Corruption, Chennai in that regard. At that stage, the Petitioner has filed this Writ Petition for directing the First Respondent to disburse his terminal and other benefits, including the pensionary benefits, wages for his suspension period, increment and other monetary benefit of the Petitioner, based on another representation dated 20.10.2021 made by him.

4. Having regard to the fact that the dismissal of the Petitioner from service was only based upon his conviction in the criminal case, in the event of not preferring any further appeal against the appellate judgment setting aside his conviction and acquitting him, particularly when period of limitation is prescribed for it, it would follow that the Petitioner would be entitled to have his dismissal from service set aside as its consequence. As such, it is incumbent upon the concerned authorities to immediately take a decision on the



filing of Special Leave Petition before the Hon'ble Supreme Court of India against the appellate judgment and depending upon its outcome, necessary action would have to be taken on the representation made by the Petitioner for the benefits claimed and communicated to him by 31.05.2022 under written acknowledgment and file report of compliance before the Registrar (Judicial) of this Court in that regard.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Director General of Police,
(Law and Order)
Police Headquarters,
Mylapore, Chennai - 600 004.
2. The Deputy Inspector General of Police,
Villupuram Range,
Villupuram District,
Villupuram.
3. The Superintendent of Police,
Villupuram District,
Villupuram.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to M/s.K.Thilageswaran, Advocate, S.R.No.15234
+1cc to the Government Pleader, S.R.No.15550

W.P.No.5096 of 2022

SRA(CO)
RLP(20/04/2022)