



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.(MD) No. 141 of 2022

A.Ganesan

.. Appellant

Vs

1. The Secretary to Government,
Home Police Department,
Secretariat,
Chennai - 9.
2. The Director General of Police,
Mylapore,
Chennai - 4.
3. The Commissioner of Police,
Madurai City,
Madurai.
4. The Deputy Commissioner of Police,
Armed Reserve,
Madurai City,
Madurai.

..

Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 13.12.2021 made in W.P.(MD) No. 3287 of 2018.

Prayer in WP(MD) . 3287/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent and quash the impugned order in G.O.(2D) No. 217 (Home Police VI) Department dated 08.04.2008 the punishment of Black Mark which is also a belated punishment as illegal and unlawful and arbitrary and quash the same and also direct the respondent to grant subsequent benefits for the delayed and belated impugned proceedings of the 1st respondent.



For Appellant

: Mr.A.Gandiappan

For Respondents

: Mr.S.Saji Bino, SGP

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JUDGEMENT

(Delivered by PARESH UPADHYAY,J.)

Challenge in this appeal is made to the order dated 13 December 2021 recorded on W.P(MD) No. 3287 of 2018. This appeal is by an unsuccessful writ petitioner.

2. Learned advocate for the appellant has submitted that the punishment imposed by the respondent authorities was challenged in the writ petition which ought to have been interfered with and dismissal of writ petition by learned Single Judge is erroneous and therefore this appeal be entertained. It is also submitted that the pension due to the appellant is also reduced because of this.

3. Having heard learned advocate for the appellant and having considered the material on record this Court finds that, the appellant / writ petitioner retired in January 2018. The writ petition was filed in February 2018. Thus, the writ petition was filed after retirement and challenge was made to the punishment imposed for the misconduct of the year 1999. The punishment order was passed / modified by the Appellate Authority in the year 2008. Leaned Single Judge, in paragraph 6 of the order noted this fact and came to the conclusion that the writ petition, qua the punishment order which was more than a decade old, could not have been entertained. We do not find any error in the said view of learned Single Judge. We further find that not only the petition was filed after about ten years, it was after retirement of the employee. This could not have been entertained. This petition is therefore dismissed.

4. So far the grievance with regard to consequential effect of pensionary benefit is concerned, it is not the subject matter of the present writ appeal and therefore the same is not gone into. If the petitioner is having any grievance with regard to the consequence of the punishment of 'black mark' on his retirement dues, the same can be examined separately, but if on the basis of same punishment, his promotion was affected then it stands on the different footing. As noted above, since it is not the subject matter of this writ appeal, the same can not be / need not be gone into.



5. For the above reasons, this appeal is dismissed. No costs. Consequently, connected C.M.P. would not survive.

Sd/-

Assistant Registrar (C.S.II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
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Secretariat,
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2. The Director General of Police,
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Madurai.
4. The Deputy Commissioner of Police,
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Madurai.

+1cc to Special Government Pleader, Sr.No.7743

W.A. (MD) No.141 of 2022

Date:21.02.2022

SA(05.03.2022) 3P 6C