



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2022

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

W.P. (MD) No. 4740 of 2022 and

W.M.P. (MD) No. 3945 of 2022

WEB COPY

A.Ravichandar,
Inspector of Police (Retired),
JAP Unit,
Tirunelveli City,
Tirunelveli District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to the Government,
Home Department (F1),
Secretariat,
Chennai.
 2. The Director General of Police,
Office of the Director General of Police,
Tamil Nadu,
Chennai - 600 004.
 3. The Inspector General of Police / Commissioner of Police,
Office of the Inspector General of Police
/ Commissioner of Police,
Tirunelveli City,
Tirunelveli District.
 4. The Deputy Inspector General of Police Madurai Range /
I/C Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to review the order of removal from service in the light of the judgment made in Crl. A. No. 54 of 2019 on the file of the Principal District and Sessions Judge, Virudhunagar District and consequentially to direct the respondents to allow the petitioner to retire from service with effect from 31.05.2017 and disburse all the retirement and monetary benefits with accrued interest thereon.

For Petitioner : Mr.Md.Suhail

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

**O R D E R**

The present Writ Petition is filed for a writ of mandamus directing the respondents to review the order of removal from service in the light of the judgment made in Crl. A. No. 54 of 2019 on the file of the Principal District and Sessions Judge, Virudhunagar District and consequentially direct the respondents to allow the petitioner to retire from service with effect from 31.05.2017 and disburse all the retirement and monetary benefits with accrued interest thereon.

2. The brief facts of the case are that the petitioner was initially appointed as Sub Inspector of Police on 28.07.1987. He was promoted as Inspector of Police and has rendered service for 30 years. While he was working as Inspector of Police (Law and Order) at Sivakasi East Police Station, a criminal case was registered against the petitioner and subsequently took cognizance in C.C. No. 18 of 2014 on the file of the Learned Judicial Magistrate Court, Sattur. Pending criminal case, the petitioner had attained superannuation on 31.05.2017. Due to the pending criminal case, the petitioner was not allowed to retire from service vide proceedings dated 24.05.2017. In the meanwhile, the said criminal case ended in convicting the petitioner. Aggrieved over the same, the petitioner preferred an appeal in Criminal Appeal No. 54 of 2019 on the file of the Principal District and Sessions Judge, Virudhunagar District and the same was allowed vide order dated 15.07.2019. In the meanwhile, another criminal case was registered, wherein the petitioner was shown as accused No.7. But the said criminal case ended in acquittal vide order dated 29.08.2019 on the file of the Special Court for the cases under Prevention of Corruption Act. Aggrieved over the same, the State preferred an appeal in Crl. A. No. 409 of 2020 on 18.03.2020 and the same is pending.

3. The contention of the petitioner is that the co-accused was allowed to retire from service by proceedings dated 28.02.2020. However, the petitioner was not allowed to retire and the respondents are discriminating the petitioner by not allowing to retire.

4. The learned Additional Government Pleader appearing for the respondents submitted that because of the pendency of the criminal case, the petitioner cannot be allowed to retire.

5. The case was taken at the admission stage and the respondents represented by the learned Additional Government Pleader was directed to take instructions.

6. When the case was taken up today, a memo has been submitted by the respondents, where it has been stated that the representation of the petitioner is under consideration. Therefore, this Court deems it fit to direct the respondents to consider the



petitioner's representation in the light of the acquittal order passed in Crl. A. No. 54 of 2019 and in light of the acquittal vide order dated 29.08.2019 on the file of the Special Court for the cases under Prevention of Corruption Act. The respondents shall also take into consideration the fact that the co-accused was allowed to retire. The respondents are directed to consider and pass orders within a period of six weeks from the date of receipt of a copy of this order.

7. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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To

1. The Secretary to the Government,
The State of Tamil Nadu,
Home Department (F1),
Secretariat, Chennai.
2. The Director General of Police,
Office of the Director General of Police,
Tamil Nadu, Chennai - 600 004.
3. The Inspector General of Police / Commissioner of Police,
Office of the Inspector General of Police /
Commissioner of Police,
Tirunelveli City,
Tirunelveli District.
4. The Deputy Inspector General of Police Madurai Range /
I/C Commissioner of Police,
Tirunelveli City,
Tirunelveli.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-13127
[F] dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-13217[F] dated 21/03/2022)

**W.P. (MD) No. 4740 of 2022
and**

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MGJ(19.04.2022) 3P 7C