



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 03.03.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

Cont.P.(MD) No.823 of 2021  
in  
W.P.(MD) No.22794 of 2019

C.Kasturi Gandhi ... Petitioner

-vs-

1.Thiru.S.K.Prabakar IAS,  
The Principal Secretary to Government,  
Home (Police - 2) Department,  
Fort, St. George, Chennai - 600 009.

2.Thiru.J.K.Tripathy, I.P.S.,  
The Director General of Police,  
Law and Order,  
Office of Director of General of Police,  
Chennai.

3.Dr.M.Ravi, I.P.S.,  
The Additional Director General of Police (Administration),  
Additional Director General of Police Office,  
Office of Director of General of Police Campus,  
Chennai.

4.Thiru.A.Arun, I.P.S.,  
The Commissioner,  
Madurai City,  
Madurai.

... Respondents

Prayer:- Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent/contemnors for willful disobedience to the orders of this Court dated 08.11.2019 in W.P.(MD).No.22794 of 2019 and punish respondents for contempt.

Prayer in WP(MD). 22794/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondents herein to treat period of suspension ie., 26/05/2014 to 31/07/2015 spent by petitioner as spent on duty for all the purpose and also to grant promotion to the post of Additional Superintendent of Police (Category-I) w.e.f., 29/09/2013 on par with promotion of his immediate junior and permit the writ petitioner to go on retirement



with service, monetary and retiral benefits including arrears

For Petitioner : Mr.AL.Kannan  
For Respondents : Mr.N.Satheesh Kumar,  
Additional Government Pleader.

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O R D E R

This Court passed an order on 08.11.2019 in W.P.(MD) No.22794 of 2019 as follows:-

"6.From the materials on record and the facts stated above, it is seen that the petitioner was not allowed to retire from service and was not given promotion and other benefits, due to the pendency of the disciplinary proceedings and criminal proceedings. This Court, by the order dated 20.04.2016, has quashed the disciplinary proceedings and accepting the said order, the first respondent has also dropped the disciplinary proceedings. Subsequently, the petitioner has acquitted in the criminal case, by the judgment dated 21.08.2019 made in S.C.No.131 of 2017. Inasmuch as no disciplinary proceedings and criminal proceedings are pending against the petitioner, the respondents are directed to pass order, taking into consideration the Government Orders in G.O.(2D)No.244, Home (SC) Department, dated 04.08.2017 and G.O.(2D) No.525, Home (Police-2) Department, dated 29.12.2016, whereby disciplinary proceedings are dropped and acquittal of the petitioner in the criminal case, by the judgment dated 21.08.2019 made in S.C.No.131 of 2017 on the representation of the petitioner dated 10.10.2019, within a period of eight weeks from the date of receipt of a copy of this order."

2.Thus, with reference to the representation of the writ petitioner dated 10.10.2019, the relief was granted by this Court. The said representation dated 10.10.2019 reveals that the petitioner made a request to the authorities to treat the period of suspension from 26.05.2014 to 31.07.2015 spent by him as duty for all purposes and he may be deemed to have been released from suspension and allowed to retire from service on the date of superannuation on 31.07.2015.

3.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the order dated 08.11.2019 has been complied by the respondents by issuing G.O.(2D) No.216, Home (Pol.2) Department, dated 07.09.2021. However, the learned counsel for the petitioner raised an objection by stating that the petitioner was allowed to retire from service, but the



terminal benefits are yet to be settled. However, this Court has to go by the order passed by this Court with reference to the representation submitted by the writ petitioner on 10.10.2019. The implementation order passed by the 1<sup>st</sup> respondent in G.O.(2D) No.216, dated 07.09.2021 reveals that the petitioner was allowed to retire from service on the date of superannuation, i.e., 31.07.2015 and further, the period of suspension spent by him from 26.05.2014 to 31.07.2015 also be regulated as duty under Rule 54-B-1(1)(b) of the Fundamental Rules. In view of the fact that the relief sought for by the writ petitioner in his representation was considered and an order in his favour was passed in entirety in compliance with the orders passed in the writ petition, no further adjudication is required in respect of this contempt petition and accordingly, the contempt petition stands closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.Thiru.S.K.Prabakar IAS,  
The Principal Secretary to Government,  
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Fort, St. George, Chennai - 600 009.
- 2.Thiru.J.K.Tripathy, I.P.S.,  
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Law and Order,  
Office of Director of General of Police,  
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- 3.Dr.M.Ravi, I.P.S.,  
The Additional Director General of Police (Administration),  
Additional Director General of Police Office,  
Office of Director of General of Police Campus,  
Chennai.
- 4.Thiru.A.Arun, I.P.S.,  
The Commissioner,  
Madurai City,  
Madurai.



+1 CC to M/s.SPL GP ( SR-10222[F] dated 04/03/2022 )

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03.03.2022

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