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W.P.(MD)NO.13148 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13148 of 2022 and
W.M.P.(MD)No.9341 of 2022

P.Murugesan

... Petitioner

Vs.

1. The Director General of Police(TN),
O/o.The Director General of Police,
Mylapore, Chennai – 600 004.

2. The Deputy Inspector General of Police,
Madurai Range, Madurai.

3. The Superintendent of Police,
Madurai, Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to orders passed by the 3rd respondent in C.No. F2/18562/250/2017 D.O. No. 524/2017 dated 29.05.2017 for suspension and in C. No. F2/18562/250/2017 D.O.No. 563/2017 dated 30.05.2017 for not permitted to retire from service Superannuation i.e. 31.05.2017 AN and quash the same and consequently direct the respondents to pay all monetary and other benefits from the date of retirement dated 31.05.2017 with cost.



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W.P.(MD)NO.13148 OF 2022

For Petitioner : Mr.M.Subash Babu

For Respondents: Mr.J.K.Jayaseelan,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was working as Head Constable in the police department. He reached the age of superannuation on 31.05.2017. He was however not allowed retire because a vigilance case was pending against him. The said case ended in acquittal on 21.11.2019.

3. The learned counsel appearing for the petitioner has enclosed a copy of the judgment dated 21.11.2019 in Special Case No.67 of 2011 on the file of the Special Court for Trial of PC Act Cases, Madurai. Therefore, the reason which led to the passing of the impugned order no longer holds good.

4. When the matter was taken up on the last occasion, I called upon the learned Government Advocate to obtain



instructions as to whether the judgment of acquittal passed in favour of the petitioner has become final or not. When the matter was taken up for hearing today, the learned Government Advocate on instructions stated that as on date no appeal has been filed against the judgment of acquittal.

5. In this view of the matter, the Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai, is directed to permit the petitioner to retire. All the consequential benefits including pension shall be disbursed. The third respondent is directed to send relevant proposals through higher authorities to the Government within a period of four weeks from the date of receipt of a copy of this order. The entire exercise of disbursement of benefits shall be carried out within a period of sixteen weeks from the date of receipt of a copy of this order. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.10.2022

Index : Yes / No
Internet : Yes/ No

PMU



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W.P.(MD)NO.13148 OF 2022

G.R.SWAMINATHAN,J.

PMU

To:

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Director General of Police(TN),
O/o.The Director General of Police,
Mylapore, Chennai – 600 004.
3. The Deputy Inspector General of Police,
Madurai Range, Madurai.
4. The Superintendent of Police,
Madurai, Madurai District.

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