



W.P No.20346 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.20346 of 2021

and

WMP.No.21591 of 2021

C.Christopher

... Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu Police Head Quarters
Mylapore, Chennai 600 004.

2. The Inspector General of Police (North Zone)
Railway Station Road,
Alandur, Chennai 600 016.

3.The Deputy Inspector General of Police,
Kanchipuram Range,
Kanchipuram 631 501.

3.The Superintendent of Police,
Thiruvallur District,
Thiruvallur 602 001.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of certiorarified Mandamus, calling for the records in



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connection with the petitioner's suspension order C.No.f1/01990/2012, D.O.No.414/2012 dated 11.07.2012, passed by the 4th respondent herein, and rejection order Na.Ka.No.f.1/360736/2020 dated 20.01.2021 passed by the 4th respondent herein and another rejection order Na.Ka.No.B1/7613/2019 dated 02.03.2021 passed by the 3rd respondent herein, and another rejection order Na.Ka.No.f.1/880/1357621/2021 dated 27.08.2021 passed by the 4th respondent herein and quash the same consequently direct the 4th respondent to give all service benefits to the petitioner from the date of suspension (11.07.2012) to the date of Compulsory Retirement (27.10.2017) and to revise the pension calculation .

For Petitioner : Dr.R.Sampathkumar

For Respondents : Mr.G.Nanmaran,
Special Govt.Pleader

ORDER

This Writ Petition has been filed seeking issuance of Writ of certiorarified Mandamus, to call for the records in connection with the petitioner's suspension order C.No.f1/01990/2012, D.O.No.414/2012 dated 11.07.2012, passed by the 4th respondent herein, and rejection order Na.Ka.No.f.1/360736/2020 dated 20.01.2021 passed by the 4th respondent herein and another rejection order Na.Ka.No.B1/7613/2019



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dated 02.03.2021 passed by the 3rd respondent herein, and another rejection order Na.Ka.No.f.1/880/1357621/2021 dated 27.08.2021 passed by the 4th respondent herein and quash the same consequently direct the 4th respondent to give all service benefits to the petitioner from the date of suspension (11.07.2012) to the date of Compulsory Retirement (27.10.2017) and to revise the pension calculation .

2. The petitioner is working as a Head constable in Gummidipondi Police Station. He was given with a charge memo in PR.No.1/2013 u/r 3(b) dated 08.01.2023. In this regard a criminal case has been registered in Cr.No.5/2012. At the conclusion of the disciplinary proceedings the petitioner was found guilty and imposed with major punishment of compulsory retirement vide order F1/Tha.Pa No.01/2013 u/r 3(b) dated 27.10.2017 by the 4th respondent. However the period under suspension has been treated as Earned Leave on Loss of Pay and due to that the petitioner's qualified service got shortened and hence his retirement benefits including pension is also reduced. Subsequently the Investigation Officer has referred the charge sheet in Cr.No.5/2012 as 'mistake of fact'.



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3. In such case the petitioner's period of suspension can be treated as qualified service for the purpose of his terminal benefit. The petitioner has sent a legal notice to the respondents on 24.07.2021. So far no action has been taken by the respondents. At the time when the punishment was imposed on the suspension period was regularised, the investigation in the criminal case in Cr.No.5/2012 is still pending. Now it appears that the criminal case has been referred as 'mistake of facts'.

4. In view of the same, this Writ Petition is **disposed** and the respondents shall consider the above fact and pass appropriate orders in accordance with law. It is open to the petitioner to give any fresh representation to the respondents, if not submitted already. On receipt of it, the respondents shall consider and pass orders within a period of six weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes

Internet : Yes/No

jrs



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To

- 1.The Director General of Police,
Kamarajar Salai,
Chennai 600 004.
- 2.The Deputy Inspector General of Police,
Kanchipuram Range,
Kanchipuram.
- 3.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.



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R.N.MANJULA, J.

jrs

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and

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