



W.P.No.20987 of 2019 &
W.M.P. No. 27119 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20987 of 2019 &
W.M.P.No.27119 of 2019

S.Thomsson

... Petitioner

Vs.

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 005
2. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007
3. The Additional Commissioner of Police,
CCB, (I/c) Joint Commissioner of police,
CCB, Greater Chennai,
Vepery, Chennai – 600 007
4. The Joint Commissioner of Police,
West Zone, Greater Chennai of Police,
Chennai
5. The Deputy Commissioner of Police,
Anna Nagar,
Greater Chennai – 600 040
6. The Deputy Commissioner of Police
Ambattur, Avadi,
Chennai – 600 054

...Respondents



W.P.No.20987 of 2019 &
W.M.P. No. 27119 of 2019

WEB COPY

Writ Petition is filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the respondents in their proceedings in RC.No.063409/PRIV(2)/2018(PR.No.24/WZ/2016, u/r3(b) dated 14.09.2018 passed by the 3rd respondent, in RC.No.63409/PRIV(2)/2018) PR.No.24/WZ/2016, dated 31.01.2019 passed by the 2nd respondent and in RC.No.3327/AP.3(2)/2019 dated 20.06.2019 passed by the 1st respondent and quash the same and consequentially directing the respondents to issue a posting order to the petitioner with all service and monetary benefits within the time limit fixed by this Court.

For Petitioner : Mr.Mr.Maharajan for
M/s K.Sindhuja

For Respondents : Mrs.Meera Arumugam
Special Government Pleader

ORDER

Heard Mr.Maharajan for M/s K.Sindhuja, learned counsel for the petitioner and Mrs.Meera Arumugam, learned Special Government Pleader for the respondents and perused the documents placed on record.



W.P.No.20987 of 2019 &
W.M.P. No. 27119 of 2019

WEB COPY

2. Seeking issuance of a Writ of Certiorarified Mandamus by calling the records on the file of the respondents in their proceedings in RC.No.063409/PRIV(2)/2018(PR.No.24/WZ/2016, u/r3(b) dated 14.09.2018 passed by the 3rd respondent, in RC.No.63409/PRIV(2)/2018) PR.No.24/WZ/2016, dated 31.01.2019 passed by the 2nd respondent and in RC.No.3327/AP.3(2)/2019 dated 20.06.2019 passed by the 1st respondent and quash the same and consequentially to direct the respondents to issue a posting order to the petitioner with all service and monetary benefits within the time limit fixed by this Court, the petitioner has come forward with this writ petition.

3. It is not in dispute that the petitioner was issued with a charge memo by the 5th respondent on 25.03.2016 on the ground that a false entry was made by the petitioner in the general diary, which is a vital document of a police station. Subsequently, upon enquiry officer's report dated 23.05.2018, impugned order-I was passed by the 3rd respondent dated 14.09.2018 by awarding punishment of 'Postponement of his next increment for a period of one year, which shall operate to postpone his future increments'. A show cause notice was issued by the 2nd respondent



W.P.No.20987 of 2019 &
W.M.P. No. 27119 of 2019

on 28.12.2018 and an Impugned order-II was passed by the 2nd respondent on 31.01.2019 by enhancing the punishment awarded to the petitioner from that of 'Postponement of his next increment for a period of one year which shall operate to postpone his future increments into that of 'Removal from Service" from the date of original punishment awarded. On a mercy petition filed by the petitioner dated 20.02.2019, the 1st respondent, considering the length of service and the retirement due in May 2020, took a lenient view and modified the punishment into that of compulsory retirement from the date of original orders. Thereafter, the petitioner has filed the present Writ Petition to quash all the orders and to issue a posting order with all service and monetary benefits.

4. It is the contention of the learned counsel for the petitioner that subsequent to the filing of the writ petition, the petitioner was retired and upon a mercy petition filed by the petitioner dated 20.02.2019, the punishment of removal of service was converted to that of 'compulsory retirement' vide proceedings of the 1st respondent in Rc.No.3327/AP/3(2)/2019 dated 20.06.2019. Therefore, the prayer in the Writ Petition has become infructuous.



W.P.No.20987 of 2019 &
W.M.P. No. 27119 of 2019

WEB COPY

5. Besides the above, it is also the contention of the learned counsel for petitioner that since the petitioner has retired, the eligible service benefits, retirement benefits and other benefits may be directed to be paid to the petitioner,

6. Mrs.Meera Arumugam, learned Special Government Pleader, on instructions, submitted that a direction may be given to the petitioner to approach the respondents by way of a representation, whereupon the eligible retirement benefits, service benefits and other benefits shall considered and paid to the petitioner and also pleaded to grant sufficient time to consider the said representation.

7. Considering the fact that subsequent to the filing of the writ petition, the petitioner was retired and upon a mercy petition filed by the petitioner dated 20.02.2019, the punishment of removal of service was converted to that of 'compulsory retirement' vide proceedings of the 1st respondent in Rc.No.3327/AP/3(2)/2019 dated 20.06.2019 and that apart, considering the submission of the learned Special Government Pleader that the eligible service benefits, retirement benefits and other benefits will



W.P.No.20987 of 2019 &
W.M.P. No. 27119 of 2019

be considered and paid to the petitioner on a representation being given to the respondents, this Court, hereby directs the petitioner to approach the respondents by way of a proper representation narrating all the necessary facts within a period of three weeks from the date of receipt of a copy of this order and the respondents shall consider the eligible retirement benefits, service and other benefits of the petitioner and pass necessary orders within a period of eight weeks from the date of representation being made by the petitioner.

In view of the above, the present Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

31.03.2023

Index : Yes/No
Internet : Yes/No
Speaking order / non speaking order
ssd
To

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 005
2. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007
3. The Additional Commissioner of Police,
CCB, (I/c) Joint Commissioner of police,



W.P.No.20987 of 2019 &
W.M.P. No. 27119 of 2019

CCB, Greater Chennai,
Vepery, Chennai – 600 007

WEB COPY

4. The Joint Commissioner of Police,
West Zone, Greater Chennai of Police,
Chennai
5. The Deputy Commissioner of Police,
Anna Nagar,
Greater Chennai – 600 040
6. The Deputy Commissioner of Police
Ambattur, Avadi,
Chennai – 600 054



WEB COPY



W.P.No.20987 of 2019 &
W.M.P. No. 27119 of 2019

V.BHAVANI SUBBAROYAN, J.,

ssd

W.P.No.20987 of 2019 &
WMP No.27119 of 2019

31.03.2023