



W.P(MD)No.1025 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.1025 of 2019
and W.M.P. (MD) No.864 of 2019**

D.Tamilmani

... Petitioner

-VS-

1.Learned Human Rights Court-cum-
Principal Sessions Court,
Thanjavur.

2.The State of Tamil Nadu,
Through its District Collector,
Thanjavur District,
Thanjavur.

3.The Director General of Police,
Mylapore,
Chennai – 600 004.

4.The Superintendent of Police,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in connection on the file of the 1st Respondent in connection with the impugned order passed in Human Rights Case No.4/2010 dated 30.09.2011 and quash the same and consequently, direct the 3rd and 4th Respondent to disburse the service benefits (monetary) of the Petitioner's deceased husband in the light



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of the order passed in W.P.(MD) No.6507 of 2010 dated 08.12.2017 within the time limit that may be stipulated by this Hon'ble Court.

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For Petitioner : Mr.K.Gurunathan
For 2nd Respondent : Mr.D.Sachikumar
Additional Government Pleader
For Respondents 3 & 4 : Mr.M.Veeranthiran
Government Advocate

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Writ Petition has been filed to quash the impugned order passed in Human Rights Case No.4/2010, dated 30.09.2011, and consequently, to direct the 3rd and 4th Respondents to disburse the service benefits (monetary) of the petitioner's deceased husband in the light of the order passed in W.P. (MD) No.6507 of 2010, dated 08.12.2017 within a time frame.

2. Brief facts that are necessary for disposal of this Writ Petition are as follows:-

Petitioner's husband Dhakshinamoorthy was appointed in the third respondent Department as Grade – II Police Constable and while he was in service, he was suspended on 06.04.1992 pursuant to a charge memo issued under Rule 3(b) of the Tamil Nadu Police Sub-ordinate Services (Discipline and Appeal) Rules on 30.03.1992. It is admitted that the petitioner's husband attained the age of superannuation on 31.05.1998. However, he



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was not allowed to retire by order dated 22.05.1998. Later the petitioner's husband was dismissed from service on 02.08.1999 and the said order of punishment was also confirmed by the Deputy Inspector General of Police, Thanjavur Range on 07.12.1999. Thereafter, the petitioner's husband filed W.P.(MD) No.12869 of 2016 and during the pendency of the Writ Petition the petitioner's husband died on 30.03.2016, leaving behind the petitioner, two sons and four daughters. The Writ Petition filed by the petitioner's husband was allowed by this Court on 08.12.2017. Thereafter, the petitioner approached the fourth respondent in person for retirement benefits of her husband. However, the terminal benefits due was denied contending that the petitioner's husband was convicted by the Human Rights Court in Human Rights Case No.4 of 2010 on 30.09.2011 and therefore, the order of Human Rights Court is challenged in the Writ Petition.

3. The Human Rights Court has found the petitioner's husband guilty and imposed a fine of Rs.1,000/-. It is represented that the petitioner's husband has also paid the fine. We need not go into the orders passed by the Human Rights Court in Human Rights Case No.4 of 2010 as to whether it is in order not. Merely because the petitioner's husband was imposed a fine of Rs.1,000/-, that does not disentitle the delinquent to get the retirement benefits. Hence, the petitioner, who is his legal heir, is entitled to get the terminal benefits in accordance with law.



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4. The counter affidavit filed by the fourth respondent specifically referred to the charge memorandum and the nature of charges levelled against the petitioner's husband. This Court will not go into the merits of the charges levelled against the petitioner's husband also. Secondly, the counter affidavit refers to the Human Rights Case No.4 of 2010. Merely because the Human Rights Court has convicted the petitioner's husband, that does not mean that the petitioner's husband will lose his employment or his retirement benefits. The conduct of the petitioner's husband cannot stand in the way of petitioner, as a legal heir of the deceased employee, to claim the retirement benefit due on the retirement of her husband, unless further proceedings are initiated against the petitioner's husband for human rights violation and imposition of punishment. Merely because the Human Rights Court imposed fine, that also cannot be cited as a reason for denying retirement benefits of the petitioner's husband. Since the petitioner's husband has paid the fine, we need not decide as to whether the order in Human Rights Case No.4 of 2010 is vitiated or not. Hence, the petitioner is entitled to get the retirement benefits.

5. Therefore, the respondents 3 and 4 are directed to disburse the service benefits of the petitioner's deceased husband in the light of the earlier order passed in W.P.(MD) No.6507 of 2010, dated 08.12.2017, within a period of six weeks from the date of receipt of a copy of this order.



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6. The Writ Petition stand allowed to the extent indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R, J.] [D.B.C., J.]
25.08.2023

Index : Yes / No

Neutral Citation : Yes / No

sj

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sj

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