



W.P.(MD)No.5538 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.5538 of 2019

M.Gopal

... Petitioner

Vs.

1.The State Rep. by it
Principal Secretary,
Government Home (Police) Department,
Fort St.George, Chennai.

2.The Director General of Police,
O/o. The Director General of Police,
Chennai.

3.The Inspector General of Police,
O/o. The Inspector General of Police,
Chennai.

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

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representations dated 13.10.2016 and 18.02.2019 and to pay the compassionate allowance to him.



WEB COPY



W.P.(MD)No.5538 of 2019

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.D.Sadiq Raj,

Additional Government Pleader

ORDER

This Writ Petition is filed for Mandamus to consider the representations of the petitioner dated 13.10.2016 and 08.02.2019 and to pay compassionate allowance to him.

2.Mr.T.Indrachithu, learned counsel appearing on behalf of the petitioner, taking this Court through the records of the case, would submit that the petitioner got involved in a case under Prevention of Corruption Act,1988 and was initially convicted for a term of 4 years, thereafter, it was reduced to 6 months. He has already underwent imprisonment and he is out of prison. In the meanwhile, on account of the said conviction, he was dismissed from service on 25.05.2001. Now, even though he has put in 18 years of service, at this old age, he is finding it difficult to sustain himself and therefore, he made the aforesaid representations for grant of compassionate allowance.



W.P.(MD)No.5538 of 2019

WEB COPY

3.The learned counsel for the petitioner, relying upon Section 40(1) of Compassionate Allowance Tamil Nadu Pension Rules, 1978, would submit that the authority competent to dismiss or remove from service, can also sanction compassionate allowance upto 2/3rd of pension in a case of dismissal or removal from service. Since in this case, the petitioner has put in 18 years of service, this is the fit case and therefore, the respondents must be directed to consider the representations of the petitioner.

4.Per contra, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing on behalf of the respondents would contend that this is the case of corruption and therefore, the petitioner does not deserve for the compassionate allowance.

5.I considered the rival submissions made on either side.

6.When the petitioner was convicted for an offence under Section 13(2) of Prevention of Corruption Act, it cannot be said that this is a



W.P.(MD)No.5538 of 2019

WEB COPY

deserving case. On the other hand, if only the respondents grant, that would call for interference. Therefore, in the present conspectus of the facts, this Court cannot even direct the consideration of the representations. Finding no merits, this Writ Petition is dismissed. However, there shall be no order as to costs.

05.07.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No

Yuva

To

- 1.The Principal Secretary,
Government Home (Police) Department,
Fort St.George, Chennai.
- 2.The Director General of Police,
O/o. The Director General of Police,
Chennai.
- 3.The Inspector General of Police,
O/o. The Inspector General of Police,
Chennai.
- 4.The Superintendent of Police,
Thoothukudi, Thoothukudi District.

Page 4 of 5



WEB COPY



W.P.(MD)No.5538 of 2019

D.BHARATHA CHAKRAVARTHY, J.

Yuva

W.P.(MD)No.5538 of 2019

05.07.2023