



W.P.No.2429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2429 of 2024

P.G.Vinod Kumar

... Petitioner

-Vs-

1. The Commissioner of Police,
Greater Chennai Police,
Chennai City,
Vepery, Chennai-600 007.

2. The Joint Commissioner of Police,
South Zone, Greater Chennai Police,
St.Thomas Mount,
Chennai-16.

3. The Joint Commissioner of Police,
East Zone, Greater Chennai Police,
Egmore, Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to revoke the suspension of petitioner and permit the petitioner to retire from service with the effect from 30.11.2012 and to pay all the consequential and terminal benefits by considering the petitioner's representations dated 12.10.2023 within a time frame stipulated by this Honourable Court.



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For Petitioner : Mr.L.G.Sahadevan
For Respondents : Mr.V.Veluchamy
Additional Government Pleader

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ORDER

This Writ Petition has been filed for direction directing the respondents to revoke the suspension of petitioner and permit the petitioner to retire from service with the effect from 30.11.2012 and to pay all the consequential and terminal benefits by considering the petitioner's representations dated 12.10.2023 within a time frame stipulated by this Honourable Court.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed in the police service. Subsequently, he was promoted to the post of Head Constable and while he was in service as Head Constable, he was placed under suspension by the second respondent by the proceedings dated 28.12.2005, in connection with the registration of FIR in Crime No.19/AC/2005/CC-II for the offences under Section 7 of Prevention of Corruption Act. After completion of investigation, final report was filed for the offences under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act



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and the same has been taken cognizance in C.C.No.30 of 2007. Thereafter, it was renumbered as C.C.No.138 of 2011. Thereafter, suspension order was revoked and he was permitted to join duty. The Criminal Court acquitted the petitioner from all the charges by the Judgment dated 29.02.2012. In the meanwhile, the petitioner attained the age of superannuation. However, he was not permitted to retire and once again, he was placed under suspension, on the ground that as against the order of acquittal, the respondents preferred an appeal in CrI.A.No.427 of 2013 as against the Judgment dated 29.02.2012 passed by the Trial Court. Now, the appeal also dismissed by the Judgment dated 24.08.2022, confirming the order of acquittal passed by the Trial Court.

4. Thereafter, the petitioner submitted a representation to allow him to retire from service and seeks for retirement benefits. However, the said request is still pending without any consideration. Even till today, the respondents did not file any appeal as against the acquittal order passed by this Court in CrI.A.No.427 of 2013 dated 24.08.2022. Even thereafter, the second respondent did not serve any charge memo to proceed with the departmental proceedings. Now, the petitioner is suffering on account of non payment of terminal benefits from the date of his superannuation dated 30.11.2012.



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5. In view of the above, the respondents are directed to permit the petitioner to retire from service as 30.11.2012 and settle all the terminal benefits, forthwith, with applicable interest.

6. Accordingly, this writ petition is allowed. There shall be no order as to costs.

05.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J,

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