



W.P.No.15428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15428 of 2024

G. Rani

... Petitioner

Vs

1. The Principal Secretary to Government
Home Department,
Fort St.George, Secretariat,
Chennai 600 009.

2. The Director General of Police
Tamil Nadu, No.1, Dr.R.K.Salai,
Mylapore, Chennai 600 004.

3. The Estate Officer,
i/c of Estate Welfare & Community Policing,
Greater Chennai City Police,
Chennai 600 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 1st and 2nd respondents to dispose the petitioner's pending revision/review applications



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dated 24.05.2023, 17.07.2023 and 11.01.2024, 07.05.2024 within the stipulated time period fixed by this Court consequently to direct the 3rd respondent to permit the petitioner to continuance in occupation of the quarters premises till the disposal of the pending revision/review applications by considering the petitioner's representation dated 27.05.2024.

For Petitioner : Mr.G.Anandaraj

For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to dispose the petitioner's pending revision/review applications dated 24.05.2023, 17.07.2023 and 11.01.2024, 07.05.2024 within the stipulated time period fixed by this Court and consequently to direct the 3rd respondent to permit the petitioner to continue in occupation of the quarters premises till the disposal of the pending revision/review applications by considering her representation dated 27.05.2024.



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2. The learned counsel appearing for the petitioner submitted that the petitioner was working as an Inspector of Police, Traffic Investigation Wing, Pallikaranai, Tambaram Police Commissionerate. While so, by order dated 23.01.2023, the Additional Commissioner of Police, Tambaram imposed punishment of removal from service. As against the same, the petitioner preferred an appeal before the Commissioner of Police, Tambaram. By an order dated 16.05.2023 the punishment of removal from service was modified into one of compulsory retirement. As against the same, the petitioner has filed a review petition under Rule 15A of the Tamil Nadu Police Subordinate Service Rule to the Director General of Police, Chennai/2nd respondent herein on 24.05.2023. According to the petitioner, the same is yet to be disposed of. But however, in the meanwhile, eviction order was passed and the petitioner was directed to vacate the quarters. He further submitted that on perusal of the charge memorandum, even if the allegations are taken on face value, it would not be a case of imposing a punishment of compulsory retirement and punishment imposed in this case



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is grossly disproportionate to misconduct. In that view of the matter, when the review is pending, the respondents cannot insist the petitioner to vacate the quarters. The order passed by the Estate Officer is incorrect in law.

3. Mr.P.Ganesan, learned Government Advocate takes notice for the respondents and submitted that the order has been passed under the Public Premises Act by duly issuing show cause notice and the Estate Officer has passed statutory order and the petitioner has to vacate the quarters. As far as the review petition is concerned, the same will be duly considered and disposed of within the stipulated period that may be fixed by this Court.

4. I have considered the rival submissions made on either side and perused the materials available on record.

5. As far as vacating the quarters is concerned, once the order of compulsory retirement is passed, the petitioner has got no other option than to vacate the quarters. Even if she is aggrieved by the order of the Estate



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Officer, the same cannot be canvased in this proceedings and the remedy lies elsewhere. As far as the punishment is concerned, since the review application is pending, the same can be disposed of within a period that may be fixed by this Court. In view thereof, this writ petition is disposed of on the following terms:-

(i) The 2nd respondent is directed to consider the review filed by the petitioner dated 24.05.2023 as against the order dated 16.05.2023 on its own merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

13.06.2024

Neutral Citation : yes/no
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D. BHARATHA CHAKRAVARTHY, J.

dpq

To

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