



W.P.No.14828 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14828 of 2024

S.Arun Prasath

.. Petitioner

Vs.

1. The Superintendent of Police
The Nilgiris District.

2. The Deputy Inspector of Police
Coimbatore Range. Coimbatore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorari, calling for the records of the first respondent in connection with the impugned order passed by him in D.O.No.539/2024-C.No.H1/PR24/2023 dated 18.05.2024 and to quash the same.

For the Petitioner : Mr.S.Sivakumar

For the Respondents : Mr.Stalin Abimanyu
Additional Government Pleader



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ORDER

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The present writ petition is filed challenging the impugned order of punishment in and by which the punishment of postponement of the next increment for a period of three years with cumulative effect was imposed upon the petitioner and a sum of Rs.4,03,820.55/-, alleged to have been misappropriated by the petitioner, is also ordered to be recovered.

2. The petitioner is entitled to file an appeal to the second respondent as against the said punishment order and as a matter of fact, the petitioner has already preferred an appeal to the second respondent on 13.04.2024. Therefore, the second respondent can be directed to dispose of the appeal.

3. *Mr.Stalin Abimanyu*, learned Additional Government Pleader submits that the appeal will be disposed of within a period of eight weeks.



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4. *Mr.S.Sivakumar*, learned counsel for the petitioner, at this juncture, states that when the appeal has been preferred within the limitation, even without waiting for the appeal period to expire, the respondents have started giving effect to the recovery order. A sum of Rs.16,845.55/- as the first installment and Rs.16,825/- for the 2nd to 23rd installments are ordered to be recovered. Pending disposal of the appeal, the said recovery need not be effected.

5. I have considered the said submissions made by learned counsel for the petitioner.

6. It is seen that the impugned order itself is served on the petitioner only on 01.06.2024, before which the petitioner has got the salary on 31.05.2024 for the current month. Therefore, the first installment will be recovered on 30.06.2024 from the salary of the petitioner. Since the appeal has to be disposed of within a period of eight weeks, let the recovery from the salary of the petitioner not be done in the month of June alone.



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7. In view thereof, the present writ petition stands disposed of on the following terms:

(i) the second respondent is directed to dispose of the appeal preferred by the petitioner on 13.04.2024 within a period of eight weeks from the date of receipt of a copy of this order;

(ii) in the meanwhile, the first installment, which is due on 30.06.2024 alone need not be recovered.

There shall be no order as to costs. Consequently, W.M.P.Nos.16068 and 16070 of 2024 are closed.

06.06.2024

Index : Yes/No

Note: Registry is directed to issue the order copy on 10.06.2024.

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To:

1. The Superintendent of Police
The Nilgiris District.
2. The Deputy Inspector of Police
Coimbatore Range. Coimbatore.



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D.BHARATHA CHAKRAVARTHY,J.

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