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Writ Petition No.24416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24416 of 2024

Mrs.D.Devagi

... Petitioner

Vs.

1. The Director General of Police,
O/o. The Director General of Police,
No.1, Kamarajar Road,
Mylapore, Chennai 600 004.

2. The Superintendent of Police,
Nilgiris District.

3. The Inspector of Police,
Kunnur Police Station,
Nilgiris District.

4. Mr.D.Dinakaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the 1st respondent to pass orders on the representation dated 06.12.2023 and 08.05.2024 by taking appropriate departmental action against the 4th respondent as per the Tamil Nadu Government Servant Conduct Rules by conducting Departmental enquiry.

For Petitioners : Mr.T.Velu

For Respondents : Mr.P.Balathandayutham



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Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to pass orders on representation dated 06.12.2023 and 08.05.2024 and take departmental action against the 4th respondent as per the Tamil nadu Government Servants Service Rules.

2. Heard Mr.T.Velu, learned counsel for the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader for respondents 1 to 3.

3. A careful reading of the affidavit filed in support of the writ petition shows that the 4th respondent has submitted voluntary retirement and the same was accepted and he was permitted to retire from service on 31.03.2024. However, the grievance of the petitioner is that her complaint was given much earlier and the same was not considered and illegally the 4th respondent was permitted to retire from service. Therefore, at this juncture, the petitioner seeks for a direction to take



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disciplinary proceedings against the 4th respondent.

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4. The petitioner may be having a very genuine grievance against the 4th respondent. However, the moment the 4th respondent has retired from service, the employer and employee relationship ceases to exist. Once that relationship is snapped, there is no question of directing the respondent to initiate disciplinary proceedings against the 4th respondent. In view of the same, it is left open to the petitioner to work out her remedy before the appropriate forum in accordance with law against the 4th respondent in his individual capacity. Except giving this clarity, no further orders can be passed in this writ petition.

5. This writ petition is disposed of in the above terms.

No costs.

27.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

rka

N.ANAND VENKATESH, J



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To

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