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W.P.No.34993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
W.P.No.34993 of 2024

V.Ashok Kumar

...Petitioner

Vs

1.The Secretary to Government,
Home (Police V) Department
Fort St George, Chennai 9

2.The Commissioner of Police
Greater Chennai Police
Vepery, Chennai 7

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

4.The Deputy Inspector General of Police
Police Telecommunication Branch
Chennai 4.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to sanction surrender leave for 240 days, leave on medical certificate for 180 days and surrender leave on private affairs for 180 days in the light of the representation made by the petitioner dated 06.06.2024.



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For Petitioner : Mr.M.Muthappan
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this writ petition to issue a Writ of Mandamus to direct the respondents to sanction surrender leave for 240 days, leave on medical certificate for 180 days and surrender leave on private affairs for 180 days in the light of the representation made by the petitioner dated 06.06.2024.

2. The case of the petitioner is that the petitioner was appointed as 'Junior Assistant' through the direct recruitment by Tamilnadu Public Service Commission and thereafter, he was promoted as 'Assistant and Superintendent'. While he was serving as Superintendent, Greater Chennai Police, he was implicated in a criminal case registered in Crime No.15/2008 under Section 7 r/w Section 13(1) of Prevention of Corruption Act. Thus, the petitioner was placed under suspension with effect from 24.12.2008. The petitioner was charge sheeted before the Special Court under PC Act and after trial, he was acquitted by the Special Court vide order dated 31.07.2011 in C.C.No.93/2011. Subsequently, based on orders of the acquittal, the petitioner was



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reinstated into service by the orders of the Joint Commissioner of Police on 17.12.2013 and the petitioner was transferred and posted to service in the TSP VI Battalion, Madurai based on the orders of the DGP dated 29.01.2024 and thereafter, he was transferred to the office of the Deputy Inspector General of Police, Police Telecommunication Branch, Chennai⁴, with effect from 11.11.2016.

(ii). Aggrieved by the acquittal of the petitioner, criminal case has been filed before this Court in CrI.A.No.125/2014 and during the pendency of the criminal appeal, the petitioner retired on 31.08.2017. Though the petitioner was permitted to retire from service without prejudice to the pendency of criminal case preferred by the department, he has not been paid the retirement benefits. Thereafter, the petitioner made a representation to the respondent on 10.04.2019 to settle his retirement benefits and also to settle the benefits for the period of suspension from 24.12.2008 to 19.12.2013 and also to grant other benefits. As there was no response, the petitioner approached this Court by filing a writ petition in W.P.No.22962 of 2019 and this Court vide order dated 06.09.2019 directed the respondents to pay the General Provident Fund, Earned leave encashment and Special Provident Fund



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within a period of 4 weeks from the date of receipt of a copy of the order.

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Against the said decision, the State preferred a Writ Appeal in W.A.No.574/2020 and the same was rejected at the admission itself, following a Division Bench decision rendered in W.A.No.1700 of 2015 dated 18.10.2016.

(iii). Even after a direction by this Court to settle the benefits due to the petitioner, it has not been settled so far. The petitioner, irrespective of the fact whether he is convicted in the criminal case or not, encashment of surrender leave for 240 days, encashment of leave on private affairs for 6 months and also to settle his medical leave for 180 days have not been settled. Hence, the petitioner made a representation dated 06.06.2024 to settle his retirement benefits, but the same has not been considered by the respondents. Hence this petition.

3. Learned Special Government Pleader appearing for the respondents would submit that the representation of the petitioner will be considered by the respondents on its own merits and in accordance with law, within the time fixed by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the



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respondents to consider the representation of the petitioner dated 06.06.2024 on merits and in accordance with law and pass a speaking order within a period of eight(8) weeks from the date of receipt of copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
msv
To

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V.BHAVANI SUBBAROYAN,J.

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