



W.P. No.32295 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.32295 of 2018
and
W.M.P.No.37705 of 2018

C.Santhalakshmi

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep. by its The Secretary to Government,
State of Tamil Nadu,
Home (Police) Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai – 600 004.
- 3.The Joint Commissioner of Police,
Head Quarters, Egmore,
Chennai – 600 008.
- 4.The Deputy Commissioner of Police,
Armed Reserve, Pudupet,
Chennai – 600 002.



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5.The Asst. Commissioner of Police,
Armed Reserve – I,
Pudupet, Chennai – 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in Proceedings RC.No.174593/AP.3(2)/016 dated 26.10.2017 and the Appeal Order dated 28.12.1995 of the Joint Commissioner of Police Head Quarters, Egmore, in R.C.No.Appeal23/PR-I(i)/1995 confirming the order dated 18.07.1994 of the Deputy Commissioner of Police Armed Reserve, Chennai – 2, in P.R.No.210/1993, U/R 3(b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955 and quash the same as illegal and consequently direct the 1st respondent to consider the Representation dated 02.04.2018 of the petitioner for the grant of Retirement Benefits including Family Pension.

For Petitioner : M/s.M.Roselet Helen

For Respondents : Mr.M.Murali
Government Advocate.

ORDER

The husband of the petitioner, while working in Armed Reserve, Pudupettai, Chennai-2 as Police Constable, was subjected to disciplinary proceedings on the ground of absenting from duty for more than 21 days and an order in PR.No.210/1993 dated 18.07.1994 was passed under Rule 3(b) of



Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955

removing the petitioner from service. Aggrieved by the said order, the petitioner preferred an appeal before the 3rd respondent and the said appeal was rejected by the 3rd respondent by an order dated 28.12.1995. The husband of the petitioner has not taken any further steps against the said appeal order passed by the 3rd respondent.

2. The husband of the petitioner died on 16.05.2006. Thereafter, it is only after a lapse of 12 years, the petitioner herein submitted a representation, dated 25.07.2018 before the 1st respondent seeking to set aside the punishment imposed upon her husband and to grant family pension and retirement benefits of her late husband. The said representation submitted by the petitioner was treated as mercy petition, but the same was rejected through proceedings RC.No.174793/AP.3(2)/2016 dated 26.10.2017. It is aggrieved by the said proceedings and the order of punishment dated 18.07.1994 and appeal order dated 28.12.1995, the petitioner approached this Court by filing the present writ petition.



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3. This Court has carefully considered the submissions made by the learned counsel for the petitioner and also perused the entire material on record.

4. The husband of the petitioner who suffered the punishment dated 18.07.1994 preferred an appeal and the same was rejected on 28.12.1995. Thereafter, he has not taken any steps to contest the order of punishment as confirmed by the 3rd respondent, the appellate authority. He was alive for about a decade after passing of the order dated 28.12.1995. Thus, it is evident that the husband of the petitioner has accepted the punishment imposed and allowed it to become final.

5. But for the reasons best known, the petitioner herein waited for 12 years after the date of death of her husband and submitted a representation seeking to set aside the punishment imposed upon her husband in the year 1994 and also seeking relief of granting family pension and payment of other retirement benefits only on 25.07.2018. As the punishment was accepted and the same was allowed to become final by the husband of the petitioner, the



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petitioner herein has no locus to challenge the punishment, which has become final, that too after a lapse of 23 years since the date of punishment having attained finality and after a lapse of 12 years since the date of death of her husband. In spite of the same, the respondents have considered the claim made by the petitioner on merits and passed an order in proceedings dated 26.10.2017.

6. In the light of the above, this Court is of the considered view that the claim made by the petitioner is hopelessly belated and the respondents ought not have entertained the representation after a lapse of 23 years since the date of punishment attained the finality and after a lapse of 12 years since the date of death of her husband. Therefore, this Court does not find any merit in this writ petition and the same is accordingly dismissed. The connected miscellaneous petitions if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa



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MUMMINENI SUDHEER KUMAR,J.

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