



W.A.(MD) No.1722 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1722 of 2024
and
C.M.P.(MD) No.13242 of 2024**

1.The Director General of Police,
Directorate of Police, Chennai.

2.The Superintendent of Police,
District Police Station,
Dindigul District.

... Appellants

-vs-

P.Lavakumar

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal by setting aside the order, dated 24.06.2024, passed in W.P.(MD)No. 13448 of 2024.

For Appellants : Mr.S.R.A.Ramachandran
Additional Government Pleader



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For Respondent : Mr.S.C.Herold Singh

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

We are unable to fault the Writ Court for having allowed the Writ Petition, quashing the order dated 29.04.2024, suspending the respondent and the order dated 30.04.2024, not allowing him to retire.

2. The respondent, who was working as a Special Sub-Inspector of Police was due to retire on 30.04.2024. The above two orders came to be passed on 29.04.2024 and 30.04.2024, respectively, on the ground that there was a criminal case registered against him in the year 2012 in Crime No.123 of 2012 and a criminal case in P.R.C.No.52 of 2020 emanating out of the F.I.R. registered in 2012 is pending on the file of the learned Judicial Magistrate, Dindigul, and another case was registered in Crime No.271 of 2023 in the year 2023. From the dates itself, it could be seen that the order is in complete violation of G.O.Ms.No. 144, Personnel and Administrative Reforms (N) Department, dated 08.06.2007. While making it clear that the last minute suspension should be avoided, the said



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Government Order provides for certain exceptions and this case does not fall within any of the exceptions enumerated in Clause 5 of the said Government Order.

3. Mr.S.R.A.Ramachandran, learned Additional Government Pleader would also fairly state that the F.I.R. registered in Crime No.271 of 2023 has been closed as mistake of fact. Hence, we do not see any reason to interfere with the order of the learned Single Judge. The Writ Appeal fails and it is accordingly, dismissed. The retirement benefits due to the respondent shall be paid within a period of 12 weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
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[R.S.M., J.] [L.V.G., J.]
03.10.2024

To

1.The Director General of Police,
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2.The Superintendent of Police,
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