



W.P.(MD)No.22053 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.22053 of 2024

and

W.M.P(MD)No.18682 of 2024

R.Mojamed Faizal

... Petitioner

Vs.

1.The Director General of Police,
Mylapore, Chennai – 4.

2.The Account General,
Office of Account General,
No.361, Anna Salai,
Tenampet, Chennai – 18.

3.The Deputy Inspector General of Police,
Tirunelveli Range,
Palayamkottai.

4.The Superintendent of Police,
Korampallam,
Thoothukudi District,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Na.Ka.No.H3/PEN-46/2023, dated 08.07.2024 issued by



W.P.(MD)No.22053 of 2024

the fourth respondent and quash the same and consequently to direct the respondents to sanction increment for the retrospective dates of promotion in Grade - I Police Constable and Sub Inspector of Police posts and also release 20% Death cum retirement gratuity withheld by the respondent with 12% interest.

For Petitioner : Mr.R.Chinna Ponnu

For R1, R3 & R4 : Mr.S.Shaji Bino
Special Government Pleader

For R2 : Mr.Chamundi Bose

ORDER

The instant writ petition has been filed by a retired Sub Inspector of Police challenging the order passed by the fourth respondent herein, wherein, a sum of Rs.2,39,653/- has been deducted from his Death cum retirement gratuity

2. According to the learned counsel for the petitioner, the petitioner was retired on voluntary retirement scheme on 31.12.2023 and after his retirement, without any notice, a sum of Rs.2,39,653/- has been retained by the employer under the impugned proceedings, dated 08.07.2024. Hence, the writ petition.



W.P.(MD)No.22053 of 2024

3. A perusal of the impugned order reveals that a sum of Rs.2,39,653/- has been directed to be retained from Death cum retirement gratuity of the petitioner without issuing any notice to the petitioner. Therefore, the impugned order is clearly in violation of principles of natural justice and the same is liable to be set aside.

4. The writ petition stands allowed and the matter is remitted back to the file of the fourth respondent herein and the fourth respondent shall issue show cause notice to the petitioner and after obtaining a reply/explanation from the petitioner, the fourth respondent is at liberty to pass orders. The said exercise shall be completed within a period of 12 weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



W.P.(MD)No.22053 of 2024

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W.P.(MD)No.22053 of 2024

R.VIJAYAKUMAR, J.

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W.P.(MD)No.22053 of 2024

19.10.2024