



W.P.(MD)No.26675 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.26675 of 2019
and
W.M.P.(MD).No.23002 of 2019

R.Suresh Kumar

... Petitioner

Vs.

1.The Secretary to Government,
Home (Police 2) Department of Tamil Nadu,
Secretariat, Chennai.

2.The Additional Chief Secretary to Government,
Home (Police 2) Department of Tamil Nadu,
Secretariat, Chennai.

3.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-4.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari Mandamus, calling for the records on the file of the second respondent pertaining to its order bearing G.O.(2D) No. 49, dated 16.02.2018 and to quash the same and consequently direct the respondents to grant all service and monetary benefits within a time frame that may be fixed by this Court.



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For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 16.02.2018, passed by the second respondent, imposing the punishment of compulsory retirement on the petitioner.

2. In the disciplinary proceedings, apart from the petitioner, who was an Inspector of Police of the Special Branch, five others were charged with the same set of charges. In respect of three persons, who are similarly placed as that of the petitioner, viz., I.Jamal, C.Chandraseelan and V.Murugan, the very same compulsory retirement punishment was imposed on them. All three of them had filed Writ Petitions in W.P.No.34292 of 2017 and W.P.(MD).Nos. 21111 and 20750 of 2018 before this Court challenging the punishment of compulsory retirement imposed on them. By orders, dated 05.11.2019 and 25.01.2023 in the said Writ Petitions, this Court reduced the punishment of compulsory retirement to one of stoppage of increment for two years without cumulative effect. The orders passed by this Court in the aforesaid Writ Petitions filed by the co-delinquents have also been placed on record.



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Aggrieved by the award of lesser punishment, the State had filed Writ Appeals in respect of orders passed by the learned Single Judge in the Writ Petitions filed by I.Jamal and V.Murugan in W.A.(MD).Nos.1408 and 1081 of 2020. The Division Bench of this Court passed an order dated 01.03.2021, upheld the order of the learned Single Judge and dismissed the Writ Appeal.

3. Learned Special Government Pleader appearing for the respondents fairly submitted that the same set of charges were also framed against this petitioner as well in the disciplinary proceedings as that of I.Jamal, V.Murugan and C.Chandraseelan. It is also fairly submitted that no appeal before the Hon'ble Supreme Court has been filed by the State as against the order dated 01.03.2021, passed by the Division Bench of this Court in W.A.(MD).Nos.1048 and 1081 of 2020. Therefore, the said order has attained its finality.

4. In view of the same, the punishment imposed on the petitioner under the impugned order cannot be different from the punishment imposed on his co-delinquents, viz., I.Jamal, V.Murugan and C.Chandraseelan. Necessarily, the same order which has been passed in favour of I.Jamal, V.Murugan and C.Chandraseelan in the Writ Petitions filed by them by the learned Single Judge and upheld by the Division Bench has to be passed in favour of this petitioner as well.



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WEB COPY 5. Accordingly, this Writ Petition is disposed of by modifying the punishment of compulsory retirement to one of stoppage of increment for a period of two years without cumulative effect. Since the punishment has been modified as stated supra, the third respondent is directed to grant all service benefits and monetary benefits payable to the petitioner within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Secretary to Government,
Home (Police 2) Department of Tamil Nadu,
Secretariat, Chennai.
- 2.The Additional Chief Secretary to Government,
Home (Police 2) Department of Tamil Nadu,
Secretariat, Chennai.
- 3.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-4.



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ABDUL QUDDHOSE, J.

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