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W.P.(MD) No.14566 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.14566 of 2017

and

W.M.P.(MD) Nos.11399 & 11400 of 2017 & 19776 of 2018

Murugeswari

... Petitioner

-VS-

1.The Secretary to Government
Home Department
Fort St.George
Chennai-600 009

2.The Director General of Police
Santhome High Road
Mylapore
Chennai-600 004

3.The Commissioner of Police
Madurai City
Madurai

... Respondents



W.P.(MD) No.14566 of 2017

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the order passed by the second respondent in R.C.No.101264/HR Cell/2015, dated 14.04.2017 and consequential order passed by the third respondent in C.P.O.No.854/2017 dated 18.05.2017 and quash the same.

For Petitioner : Mr.S.Chellapandian

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed challenging the recovery order, dated 14.04.2017, passed by the second respondent and the consequential order, dated 18.05.2017, passed by the third respondent.

2. Under the impugned orders, the respondents have ordered that a sum of Rs.50,000/- shall be recovered from the petitioner in 25 installments from her monthly salary. The petitioner was working as Inspector of Police, South All Women Police Station, Madurai City, at the time when the impugned orders came to be passed. The National Human Rights Commission, New



W.P.(MD) No.14566 of 2017

WEB COPY

Delhi, in their orders dated 11.11.2016, directed the Government (Home Department) to pay compensation of Rs.50,000/- to the victim due to the alleged irregularities committed by the petitioner, who was then working as Inspector of Police. The Government had also paid the said sum to the victim (complainant). Under the impugned orders, the respondents have ordered that a sum of Rs.50,000/- has to be recovered from the petitioner in 25 installments from her monthly salary. The petitioner has challenged the impugned orders on the ground of violation of principles of natural justice.

3. According to the petitioner, without prior notice, the National Human Rights Commission, New Delhi, had directed the Government to pay compensation of Rs.50,000/- to the victim and the impugned orders passed by the respondents have also been issued without prior notice to her.

4. A counter affidavit has been filed by the respondents denying the contentions of the petitioner.

5. However, as seen from the impugned orders as well as the counter filed by the respondents, it is clear that no prior notice was issued to



W.P.(MD) No.14566 of 2017

WEB COPY

the petitioner prior to the passing of the impugned orders. The petitioner also categorically denies her liability to pay compensation as determined by the National Human Rights Commission, New Delhi, which has been paid by the Government pursuant to the order passed by the National Human Rights Commission, New Delhi.

6. In view of the same, since principles of natural justice have been violated, this Court deems it fit to quash the impugned orders and remand the matter back to the respondents 2 and 3 for fresh consideration on merits and in accordance with law, after affording an opportunity of hearing to the petitioner.

7. For the foregoing reasons, the impugned orders, dated 14.04.2017 and 18.05.2017, passed by the respondents 2 and 3 respectively, which are challenged in this writ petition, are hereby quashed. The matter is remanded back to the respondents 2 and 3 for fresh consideration on merits and in accordance with law, after affording one hearing to the petitioner. The respondents 2 and 3 are directed to pass final orders, as directed above, within a period of twelve weeks from the date of receipt of a copy of this order.



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W.P.(MD) No.14566 of 2017

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Secretary to Government,
Home Department,
Fort St.George, Chennai-600 009.
- 2.The Director General of Police,
Santhome High Road,
Mylapore, Chennai-600 004.
- 3.The Commissioner of Police,
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W.P.(MD) No.14566 of 2017

ABDUL QUDDHOSE, J.

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