



WEB COPY

W.A.No.384 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.No. 384 of 2025
and CMP No.3118 of 2025

1. The Superintendent of Police,
District Police Office,
Palladam Main Road,
Tamil Nadu – 641 603.
2. The Deputy Inspector General of Police,
Coimbatore Range,
No.5, Dr.Abdur Rahim Road,
Coimbatore Central, Near Race Course,
Coimbatore 641 018.
3. The Additional Director General of Police (L&O),
Office of Director General of Police,
Dr. Radhakrishnan Salai, Mylapore,
Chennai 600 004.

...Appellants

Vs.

C. Rathinaswamy
Head Constable (1017),
Mangalam Police Station,
Mangalam, Tiruppur District,
Tamil Nadu – 641 663.

...Respondent



Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 19.07.2024 passed in WP No.19292 of 2024.

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For Appellant : Mr.K.H. Ravi Kumar,
Government Advocate

For Respondents : Mr.S.Karthikei Balan

J U D G M E N T

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The appellant is seemingly aggrieved by the directions granted by the learned Single Judge for payment of subsistence allowance, back wages and other consequential monetary benefits.

2. The respondent, who was working as a Head Constable, was charged with certain offences and FIRs were lodged against him in Crime Nos.210 of 2010 and 417 of 2010. Consequential disciplinary proceedings were also initiated against him and he was imposed a punishment of compulsory retirement with effect from 29.07.2011. An appeal filed by him



challenging the order of punishment was dismissed on 14.12.2011.

However, the criminal case which was numbered as SC No.345 of 2011 ended in acquittal on 21.03.2012. Thereafter, the respondent/petitioner filed a Review Petition seeking review of the order of the compulsory retirement and the said review petition was rejected. Aggrieved, the respondent filed a Writ Petition in WP No.17087 of 2013.

3. The said Writ Petition was allowed on 27.06.2018 with a direction to the Disciplinary Authority to impose a lesser punishment. Aggrieved by the said direction to impose a lesser punishment, the Department filed Writ Appeal No.142 of 2019. The Division Bench while disagreeing with the order of the Writ Court directing imposition of lesser punishment found that the Appellate Authority had not independently considered the materials and therefore, the order of the Appellate Authority was set aside and the matter was remitted to the Appellate Authority for reconsideration afresh. Thereafter, the Appellate Authority viz. the Deputy Inspector General of Police, Coimbatore Range, by its order dated 04.01.2021 allowed the Appeal and reduced the punishment to “**postponement of increment for a period of three years which shall operate to postpone his future increments**”.



After this order, the respondent was reinstated on 12.02.2021.

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4. The respondent/petitioner sought for a Mandamus directing the respondents to pay subsistence allowance, back wages and other consequential monetary benefits. The Writ Court has allowed the writ petition directing payment. After the order of the Writ Court, the original Authority viz. the Disciplinary Authority has passed orders under F.R.54 (1) of the Fundamental Rules. The said order comprehensively deals with the pay and allowances to be paid to the respondent from the date of his compulsory retirement till the date of his reinstatement. We find that the period spent in suspension has also been treated as period spent on duty. If at all the respondent/petitioner is aggrieved by that order, it is open to him to challenge this order. Now that the order of the Writ Court has been complied with, we see no necessity to entertain the Appeal at this stage

5. The Appeal is therefore disposed of with the observation that it will be open to the respondent to challenge the order dated 12.11.2024 made under F.R.54(1) of the Fundamental Rules, since the period spent on suspension has been treated as period spent on duty, we do not see any



cause for contempt at this stage. There shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
21.02.2025

jv

Index : No

Neutral Citation : No

Speaking order

To

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