



WP.No.6464 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.07.2025

PRONOUNCED ON : 16.09.2025

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP.No.6464 of 2025

and

WMP.Nos.7101,7102, 7103 & 10561 of 2025

Jeya Subramanian
S/o.Arumugaswamy
Formerly Superintendent of Police
Investigative Unit for Crime against Women
(IUCAW), Vellore District.

... Petitioner

Vs.

1. The Secretary to Government
Home (Police II) Department
Fort St. George, Chennai-9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.
3. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai-7.
4. The Additional Commissioner of Police
Headquarters, Vepery, Chennai-7.
5. The Commissioner of Police,
Tambaram, Commissionerate.
6. The Superintendent of Police
Vellore District.

... Respondents



WP.No.6464 of 2025

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 4th respondent in connection with the impugned order passed by him in Na.Ka.No.Building.2(2)/264/49916/2022 GCP Order No.2052/2022 dated 22.07.2022, (served on the petitioner on 26.09.2023) and quash the same and direct the respondents to settle the retirement benefits of the petitioner (Gratuity and other benefits within a reasonable time and grant such other further relief as this Hon'ble Court may deem fit in the circumstances of the case.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.R.Sasikumar
Government Advocate

ORDER

The brief facts which give rise to the instant writ petition is that, the petitioner was appointed as Sub Inspector of Police in the year 1987, and thereafter, promoted as Inspector of Police during 1998 and again promoted to the post of Deputy Superintendent of Police in the year 2010 and was posted in Chennai. While the petitioner was serving in Chennai, he was allotted with the post attached quarters at A1/5, Assistant Commissioner's Quarters, Anna Nagar, Chennai. Thereafter, he was transferred to Vellore on 29.05.2018. Immediately thereafter,



WP.No.6464 of 2025

WEB COPY

on 26.11.2019 he was imposed with a punishment of compulsorily retirement vide G.O.2(D) No.342 dated 26.11.2019. Though he was transferred to Vellore and subsequently was ordered to compulsorily retire, he continued to occupy the post attached quarters from 29.05.2018 till 31.07.2022. In this connection, the respondent has issued the impugned order directing the petitioner to pay a sum of Rs.12,32,382/- as penalty for unauthorized occupation of the quarters. Aggrieved with the same, the petitioner preferred the present writ petition.

2. Heard Mr.K.Venkataramani, learned Senior Counsel appearing for Mr.M.Muthappan, learned counsel for the petitioner and Mr.R.Sasikumar, learned Government Advocate for the respondents.

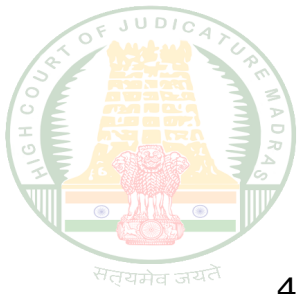
3. The learned Senior Counsel Mr.K.Venkataramani, appearing for Mr.M.Muthappan, learned counsel for the petitioner would vehemently submit that though the petitioner was transferred to Vellore on 29.05.2018, by virtue of the order dated 25.11.2019, he was again transferred to Chennai. In the meanwhile, he was imposed with a punishment of compulsorily retirement vide order dated 26.11.2019, which order was challenged before this Court and ultimately, the



WP.No.6464 of 2025

WEB COPY

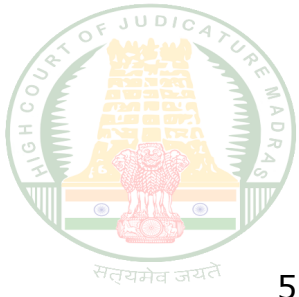
punishment of compulsory retirement was set aside and the same was confirmed in WA.No.924 of 2023. Hence, would contend that the petitioner's occupation of quarters will not be termed as an unauthorized occupation. It is the further submission of the learned Senior Counsel that, since the petitioner's son was studying in Chennai, according to the extant Rule, until the completion of academic year, he is entitled to continue the Quarters. The learned Senior Counsel would further submit that the impugned order dated 22.07.2022 is passed without following the principles of natural justice and that the very order of recovery from the salary to reimburse the penal rent, is in the nature of punishment and such punishment cannot be imposed against the petitioner without issuance of any notice. Therefore, would contend that the impugned order is liable to be set aside. In support of his contention, the learned Senior Counsel relied upon the judgment of the Hon'ble Supreme Court in **S.D.Bandi Vs. Divisional Traffic Officer** reported in **(2013) 12 SCC 631** and the judgment of this Court in **WP.No.24922 of 2018 [K.Vaiyapuri and others Vs. The Senior Divisional Security Commissioner]** dated 07.01.2022. Hence, prayed to allow the writ petition.



WP.No.6464 of 2025

WEB COPY

4. Per contra, the said contention was stoutly objected by the learned Government Advocate and would contend that the petitioner was transferred to Vellore on 29.05.2018 and that the quarters is a post attached quarters. Therefore, the moment he was transferred, he ought to have vacated the premises. In the meanwhile, he was subsequently imposed with the punishment of compulsory retirement. Though he was eligible to continue the quarters for brief period until the completion of his son academic year, since he was compulsorily retired and having not vacated the premises, the question of deducting penal rent till the completion of the academic year of his son does not arise. It is the further submission of the learned Government Advocate that, the attitude of the petitioner has to be viewed seriously, as the department suffered so much on account of his unauthorized retention of the quarters. It is the further submission of the learned Government Advocate that though the petitioner had raised numerous grounds in the writ petition, in his earlier representation he has not at all raised any ground, except to cancel the impugned order under the sympathy ground; and the present petition is an after thought. Hence, prayed to dismiss the writ petition.



WP.No.6464 of 2025

WEB COPY

5. I have given my anxious consideration to either side submissions.

6. The following facts are not in dispute:-

1. When the petitioner was occupying the quarters at Anna Nagar, he was holding the post of Assistant Commissioner in Chennai and he was transferred on 29.05.2018 to Vellore. Subsequently, though he was retransferred to Chennai on 25.11.2019 before assuming charge at Chennai, in the interregnum vide order dated 26.11.2019, in G.O.2(D).No.342, the petitioner was imposed with the punishment of compulsory retirement. Such order was challenged before this Court in WP.No.629 of 2021, wherein this Court has set aside the punishment of compulsory retirement. The same was subsequently confirmed in WA.No.924 of 2023 vide order dated 12.03.2024.
2. It is also not in dispute that as per the G.O.MS.No.568 dated 31.05.2000, any unauthorised retention of quarters liable to pay penal rent at 3 times of HRA. It is also not in dispute that the petitioner's HRA amount is Rs.8,200/-. At this juncture, this Court deems it appropriate to extract the calculation in respect of quantifying the total arrears of penal rent of Rs.12,32,382/-.



1	Allotment of Quarters No.A-1/5, Anna Nagar AC Quarters to the petitioner	02.03.2013
2	Petitioner Transfer to Vellore District	29.05.2018
3	Petitioner has vacated the Quarters	23.09.2022

Calculation-1

Penal Rent imposed as per As per G.O.No.568, Dated: 31.05.2000 three times of HRA from his last pay drawn for the period from **29.05.2018 to 31.07.2022 vide Rc.HBTII(2)/264/49916/2022, CPO Order No.2052/2022, Dated:22.07.2022**

HRA (House Rent Allowance) – Rs.8200

i. Penal Rent calculation from 29.05.2018 to 31.07.2022

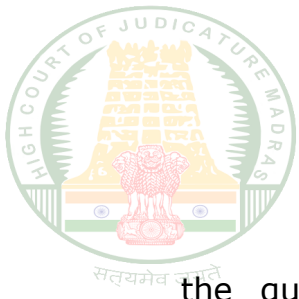
HRA 8200 X 3 = 24600

From (29.05.2018 to 31.05.2018) – 24600 x 3 days/31 = Rs. 2,382/-

From (01.06.2018 to 31.07.2022 – 24600 x 50 (months)=Rs.12,30,000/-

Rs.12,32,382/-

7. The only defence put forth by the learned Senior Counsel by relying upon the judgments in **S.D.Bandi's** case [cited supra] and **K.Vaiyapuri's** case [cited supra] is that, the impugned order is liable to be quashed on the sole ground that the principles of natural justice has not been followed. It is well settled principle of law that whenever the Rule is silent, the principles of natural justice shall be read in to the rule. This Court absolutely has no grievance about the said principles. But, we must also look into the conduct of the individual. In the case in hand, the quarters which was allotted to the petitioner is only upon the capacity of his posting as Assistant Commissioner in Chennai. Therefore, the moment he had been transferred, within the reasonable time, as provided under the Rule, the petitioner ought to have vacated

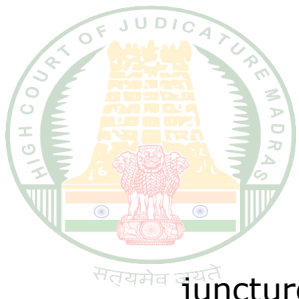


WP.No.6464 of 2025

WEB COPY

the quarters. In the case in hand, the petitioner unauthorizedly retained the quarters, after his transfer, and furthermore, he continued the quarters even after he was imposed with a punishment of compulsory retirement. Such conduct is the height of irregularity, which cannot be pardoned on the mere ground of non issuance of notice prior to imposing the penal rent. Though the principle of natural justice is a solemn principle, it is not an inviolable right. Here the very unauthorized continuance of quarters for years together is not befitting to the department he served. If any order is challenged on the ground of natural justice, the concerned individual ought to have explained before the Court as to how such non issuance of notice has prejudiced him. In the case in hand, after issuance of the impugned order dated 22.07.2022, the petitioner did not raise any little finger to challenge the order immediately and he never raised any ground of non issuance of notice. Even the representation sent to the respondent does not refer about any prejudice on account of the non issuance of notice.

8. It is pertinent to mention here that the petitioner had given representation on 26.09.2022, 20.07.2023 & 30.03.2024. In all these representations, the petitioner has never raised any objection that he has been prejudiced on account of not issuing any notice. At this



WP.No.6464 of 2025

WEB COPY

juncture, it is relevant to refer the judgment of the Hon'ble Supreme Court in ***State of Haryana and others-Vs-Northern Indian Glass Industries Limited***, reported in ***(2015) 15 SCC 588***, wherein it has been held that the conduct of the parties is essential while considering the challenge upon the violation of principles of natural justice. In the case in hand, the petitioner is a Senior Police Officer and a Member of Uniformed Service. The quarters which he occupied is admittedly a post attached quarters. Therefore, as and when the transfer order is received the officers concerned, must vacate the premises. Here, the petitioner has contended that had he been received notice in advance he would have vacated the premises. Such incredulously absurd, specious and inscrutable pleading itself shows that the petitioner's deliberate moorings to illegally stay in the official quarters, which is beneficiary to him as according to the judicial notice even the imposed penal rent would be far below to the market rent of Anna Nagar area.

9.In the case in hand such reality must be kept in mind, and in that back ground we need to analyse the non issuance of notice. Therefore, though the principles of natural justice is primordial principles which a person knew the consequence and continue the occupation, the issuance of notice would only be a redundant exercise.



WP.No.6464 of 2025

WEB COPY

In the words of supreme Court, the approach of the Court must be pragmatic rather than pedantic, realistic rather than doctrinaire functional, rather than formal, and practical rather than prudential

10.It is common knowledge the petitioner ought to have realised that his unauthorized occupancy directly infringes the right of another. The Hon'ble Supreme Court in **S.D.Bandi's** case [cited supra] has observed that no law or directions can entirely control this act of disobedience but for the self-realisation among the unauthorized occupants. Here, though the petitioner was not issued any notice prior to passing the impugned order, the conduct of the petitioner, and the filing of the writ petition after more than two years from the date of order, would covertly and overtly indicate about the knowledge of the petitioner as to the consequence of his unauthorized occupancy.

11. Apart from that, in all the representations, the petitioner did not challenge the calculation which the respondent has made. Therefore, this Court is of the firm view that there are no grounds to interfere with the impugned order.

12. In the result, this writ petition is dismissed. As a sequitur the



WP.No.6464 of 2025

WEB COPY

respondents are directed to settle the petitioner's terminal benefits, after deducting the penal rent arrears, within a period of four(4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected WMPs are also closed.

16.09.2025

kmi

Index : Yes/No

Speaking order Order

Neutral Citation : Yes/No

To

1. The Secretary to Government Home (Police II) Department Fort St. George, Chennai-9.
2. The Director General of Police, Dr.Radhakrishnan Salai, Mylapore, Chennai-4.
3. The Commissioner of Police, Greater Chennai City, Vepery, Chennai-7.
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WEB COPY



WP.No.6464 of 2025

C.KUMARAPPAN, J.

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WP.No.6464 of 2025

16.09.2025