

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal Nos.8760-8761/2013

THE ADDITIONAL DIRECTOR GENERAL OF POLICE & ORS. Appellant(s)

VERSUS

NEELAMEGAM

Respondent(s)

O R D E R

1. The appellants are before this Court assailing the Order dated 1-7-2011 passed in Writ Appeal (MD) No.505 of 2011 by the Madurai Bench of the Madras High Court whereby the appeal filed by the respondent herein was allowed and consequential benefits was ordered to be paid.

2. The appellants have also assailed the Order dated 17-10-2012 in Review Petition (MD) No.76 of 2012 filed by them, which was dismissed.

3. The respondent – herein was charged through a Memorandum dated 8-7-2004 alleging that he had committed misconduct as he had contracted marriage on three occasions. The punishment which was imposed against the respondent was by order dated 6-8-2005 invoking Rule 6 of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955. The said order was assailed in the Writ Petition filed by the respondent. Learned Single Judge did not interfere with the order of punishment imposed upon the respondent by the appellants – herein. It is in that context, the respondent

assailed the order before the Division Bench of the High Court in Writ Appeal (MD) No.505 of 2011.

4. Learned Division Bench of the High Court, having referred to the rule in question, had arrived at a conclusion that the action initiated against the respondent is not justified since there was a procedural error in exercising the power of appeal. That apart, the Division Bench had also taken note of the fact that the respondent had already attained the age of superannuation on 31-8-2009 and in that view had directed that the consequential benefits be made available to the respondent. Though Review Petition was filed by the appellants against the said order, the Division Bench found it appropriate not to entertain the same.

5. Learned counsel appearing for the appellants though assailed the order passed by the High Court, we find no error in the present facts of the case. It is true that in a case of procedural violation of the rules, it would have been open to remand the matter to the appellate authority so as to re-do the same from the stage the lapse had occurred. However, keeping in view the fact that the respondent has attained the age of superannuation, such exercise would be futile. Hence, we do not deem it appropriate to entertain the appeals.

6. However, the question of law is kept open if the same arises in an appropriate case.

7. Needless to state that the interim order passed by this Court on 20-9-2013 staying operative part of the order of the Division

Bench of the High Court stands vacated and the appellants are directed to disburse the consequential benefits as per the order passed by the High Court, to the respondent within a period of four weeks from today.

8. The appeals are, accordingly, disposed of on the afore-stated terms.

.....J
(A.S. BOPANNA)

.....J
(VIKRAM NATH)

NEW DELHI;
16TH JUNE, 2022.

ITEM NO.102

COURT NO.2

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Date : 16-06-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE VIKRAM NATH
(Vacation Bench)

For Appellant(s)

Dr. Joseph Aristotle S., AOR
Ms. Nupur Sharma, Adv.
Mr. Shobhat Dwivedi, Adv.
Mr. Sanjeev Kr. Mohana, Adv.

For Respondent(s)

Mr. P. Soma Sundaram, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeals are disposed of, in terms of the signed order.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(DIPTI KHURANA)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)