

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 15.04.2015

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No. 10707 of 2015

and

M.P. No. 1 of 2015

Subramanian

.. Petitioner

Vs.

1 The Director General of Police,
Tamilnadu, Chennai-600 004.

2.The Deputy Inspector General of Police,
Villupuram Range, Villupuram District,
Villupuram

3.The Superintendent of Police,
Cuddalore District, Cuddalore,

4.The Deputy Superintendent of Police,
Armed Reserve,
Cuddalore District, Cuddalore.

.. Respondents

PRAYER: This Writ Petition has been filed under section 226 of the Constitution of India to issue an order of Writ of Mandamus, to call for the entire records relating to the proceedings of the 1st respondent in Rc. No.194597/AP.1(2) 2010 dt. 06.10.2014 and quash the same and consequentially direct the 1st respondent to pay all back wages and arrears payable to the petitioner.

For petitioner : Mr. T. Muruganantham

For respondents : Mr. K. Rajendra Prasad, GA

O R D E R

This writ petition has been filed challenging the impugned order passed in Rc. No.194597/AP.1(2) 2010 dt. 06.10.2014, wherein the Director General of Police, Chennai has rejected the request of the petitioner, holding that the punishment already awarded to the petitioner cannot be considered excessive.

2. The grievance of the petitioner is that while he was serving as Armed Reserve Constable in the year 1997, he went on medical leave from 18.04.1998 for a period of 20 days. However, without conducting any preliminary enquiry he was suspended from service on 30.04.1998. Surprisingly, the allegation made against him was that he has disobeyed the orders of his superiors on 18.04.1998, when he was asked to go to Neyveli for guard duty and further it was alleged that he walked away without obeying the words of his superiors. Hence, the third respondent without any preliminary enquiry placed him under suspension by his proceedings D.O. No.523/98 based on the charge memo issued under Rule 3(b) of the Tamil Nadu Police Subordinate Service (D&A) Rules 1955 in C. No. H1/PR No.139/1998. However, at the end of departmental enquiry, on 13.11.1998, the third respondent issued the punishment of reduction of time scale of pay by two stages for two years with cumulative effect. Adding further, he submitted that though the petitioner gave representations repeatedly, no response was forthcoming. However, after a long time, his representation was converted into a mercy petition and on 06.10.2014 dismissed the same by passing the impugned order. Therefore, the approach adopted by the first respondent is liable to be interfered with, he pleaded.

3. Mr. K. Rajendra Prasad, learned Government Advocate appearing for the respondents urged this Court to dismiss the writ petition stating that the petitioner was imposed with the punishment of reduction of time scale of pay by two stages for two years with cumulative effect by order dated 13.11.1998, pursuant to the enquiry conducted by the department, after issuing a charge memo under Rule 3 (b) of the Tamil Nadu Police Subordinate Service (D&A) Rules 1955. Having accepted the said punishment, keeping quiet for almost 18 long years, he should not be allowed to come up with the issues, he pleaded.

4. This Court fully agrees with the submission made by learned Government Advocate, since the writ petition has been filed with a huge and unexplained delay of 18 years, the same cannot be entertained. Finding no merits in the writ petition, holding the petitioner guilty of laches, the prayer sought for in the writ petition fails.

5. Accordingly, the writ petition is dismissed. Consequently, the connected M.P is closed. No order as to costs.

avr

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Director General of Police,
Tamilnadu, Chennai-600 004.
- 2.The Deputy Inspector General of Police,
Villupuram Range, Villupuram District,
Villupuram
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore,
- 4.The Deputy Superintendent of Police,
Armed Reserve,
Cuddalore District, Cuddalore.

+ 1 cc to Mr.T.Muruganantham, Advocate SR 20609

+ 1 cc to Govt.Pleader SR 20678

mg(co)
prk27/5



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