

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19089 of 2015 and
M.P.No.1 of 2015

P.Venkatesh

... Petitioner

vs.

- 1.The Deputy Commissioner of Police,
Armed Reserve, Coimbatore City Police, Coimbatore.
- 2.The Commissioner of Police,
Coimbatore City.
- 3.The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore, Chennai -4.
- 4.The Principal Secretary to Government,
Home (Police II) Department,
Fort St.George, Chennai -9.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in C No.F4/PR-18/2011 u/r.3(b) dated 29.11.2011 confirmed by the 2nd respondent in C No.F3/AP.01/2012 dated 18.04.2012 and modified by the 3rd respondent in Rc.No.Con.1(2)/191332/2013 dated 16.10.2014 and quash the same and direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

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

For Respondents : Ms.M.E.Raniselvam
Additional Government Pleader

O R D E R

The petitioner joined as a Grade II Police Constable on 31.10.1997. On completion of five years of service, he was transferred to Coimbatore District Armed Reserve in the year 2002. Thereafter, he was promoted as Nayak in the Armed Reserve in the year 2005. According to the petitioner, he married one Gowri, Women Police Constable and had two children.

2. While so, the petitioner was issued with a charge memo, dated 11.05.2011 under Rule 3(b) of TNPSS (D & A) Rules alleging that during the subsistence of first marriage with the said Gowri, he married second time, thereby, violated Rule 23(1) of Subordinate Police Officers Conduct Rules. The second charge is that he purchased a motor cycle without obtaining permission from the department, thereby, violated Rule 9(2) of Tamil Nadu Subordinate Police Officers Conduct Rules .

3. An enquiry was conducted into the charges. The Enquiry Officer held that the charges were proved. Based on the report of the Enquiry Officer, the disciplinary authority viz., the first respondent dismissed the petitioner from service vide order dated 29.11.2011. As against the said order, the petitioner preferred appeal to the second respondent. The second respondent viz., the Appellate Authority dismissed the appeal on 18.04.2012. Thereafter, the petitioner filed Mercy Petition to the third respondent. The third respondent viz., Director General of Police modified the punishment of dismissal from service into one of compulsory retirement, by an order dated 16.10.2014. Against which, the petitioner preferred a memorial to the Government and the same is stated to be pending. The petitioner has come up with this writ petition to quash the orders of respondents 1 to 3.

4. When the matter is taken up for hearing, the learned Senior Counsel appearing for the petitioner has submitted that the petitioner would be satisfied in case a direction is issued to the 4th respondent to dispose of the memorial on merits and in accordance with law, within a time frame.

5. In view of the narrow prayer made at the time of hearing the writ petition, without going into the merits of the memorial, dated 05.11.2014, the fourth respondent is directed to consider the memorial filed by the petitioner, dated 05.11.2014 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

The writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Deputy Commissioner of Police,
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Coimbatore.
- 2.The Commissioner of Police,
Coimbatore City.
- 3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai -4.
- 4.The Principal Secretary to Government,
Home (Police II) Department,
Fort St.George, Chennai -9.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.32081
+1cc to the Government Pleader, S.R.No.37070

W.P.No.19089 of 2015

CNR(CO)
CA(13/08/2015)

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