

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.20143 of 2015

R.Meenakshi Sundaram

... Petitioner

-Versus-

1.The Director General of Police,
Mylapore,
Chennai 600 004.

2.Mr.K.P.Shanmuga Rajeswaran, I.P.S.,
Enquiry Officer,
Presently working as
IG, Armed Police,
Tiruchi.

3.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai 600 007.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the 2nd respondent to pass final order by getting final reply from the petitioner within the time frame to be fixed by this court.

For petitioner : Dr.R.Sampathkumar

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Government Pleader

ORDER

Considering the limited scope of the prayer, by consent, the writ petition itself is taken up for final disposal.

2.The petitioner is a Head Constable in the police department. He was originally appointed as Police Constable in the year 1988 and subsequently promoted as Head Constable in the year 2004. According to the petitioner, on 19.08.2015, he was issued with a charge memo under Rule 3(b) of the Tamil Nadu Police Subordinate Service Rules alleging that he involved in the leakage of question paper for the examination of Gr.II Police Constable (Men & Women) conducted by USRB on 27.03.2005 and an enquiry officer was also appointed to conduct enquiry. The enquiry has been

over and the enquiry officer has also submitted his report to the authority concerned.

3.In the mean while, he approached this court by way of writ petition in W.P.No.9609 of 2006 seeking to appoint another enquiry officer to continue the oral enquiry in PR No.88 of 2005 dated 19.08.2005 on the ground that the enquiry officer did not follow the norms and procedures while conducting the oral enquiry and obtained an interim of stay. Subsequently, by order of this court dated 15.02.2013, the above said writ petition was dismissed as infructuous based on the representation made by the learned counsel for the petitioner.

4.According to the petitioner, the enquiry was over and a report has also been submitted in the year 2013. But, there was no further progress in the disciplinary proceedings.

5.The petitioner submitted his representations on 28.06.2013 05.09.2014, 19.12.2014 and 23.01.2015 to the 3rd respondent requesting to complete the process of enquiry after obtaining his final reply. But, till date no order has been passed on the same.

6.Now, the grievance of the petitioner is that on account of pendency of disciplinary proceedings he has been deprived of promotion to the post of Special Sub Inspector. Hence, he is now before this court with this writ petition seeking appropriate directions to the 2nd respondent to pass final order by getting his final reply.

7.During the hearing of the writ petition, the learned counsel for the petitioner has submitted that the first respondent could be directed to pass final orders in the disciplinary proceedings within a stipulated time.

8.Considering the limited scope of the prayer sought for in the writ petition and the fact that the enquiry was over and a report has also been submitted as early as in the year 2013 and also considering the facts and circumstances of the case, this court directs the 1st respondent to pass final orders in disciplinary proceedings in PR No.88/2005 dated 19.08.2005 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The Director General of Police, Mylapore, Chennai 600 004.

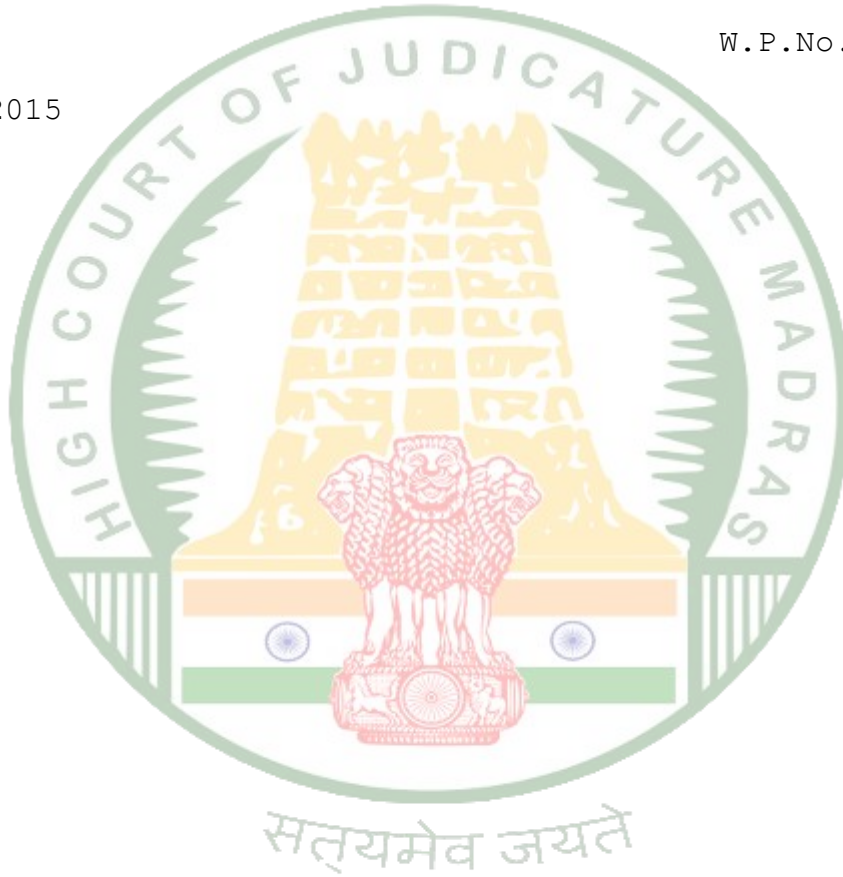
2.The Inspector General of Armed Police /Enquiry Officer,Trichy.

3.The Commissioner of Police, Greater Chennai, Vepery,Chennai-7.

+ 1 cc to Government pleader (SR.)

W.P.No.20143 of 2015

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