

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25654 of 2015

R.Pugalenth

...Petitioner

Vs

1.The Secretary to Government,
Home Department,
Secretariat, Chennai - 9.

2.The Director General of Police,
Mylapore, Chennai - 4.

...Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the first respondent to consider the representation dated 27.07.2015 of the petitioner and pass order on merits.

For Petitioner : Mr.A.Kalaiselvan

For Respondents : Mr.V.Subbiah,
Spl. Govt. Pleader

ORDER

सत्यमेव जयते

By consent, the writ petition itself is taken up for final disposal.

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2.The petitioner would state that he was directly recruited as a Grade II Police Constable on 17.01.1987 and was promoted as Grade I Police Constable on 17.06.1997 and got further promotion as Head Constable on 08.08.2002 and was working as Head Constable at Trichy Railway Police. It is stated by the petitioner that after discharging his duty on 19.01.2004, he was returning to home and developed severe stomach pain and was unable to attend duty on the next day and intimated his illness to the immediate superior and he reported for

duty on 30.01.2004 and he prepared to report before the concerned authority on 05.04.2004 and accordingly, he reported on that date. However, the departmental proceeding was initiated on the ground that he deserted from duty and after oral enquiry, he was removed from service vide order dated 06.10.2004 and he preferred an appeal on 29.11.2004 and it was also rejected by the Deputy Inspector General of Police, Railways, Chennai, on 29.12.2014. The petitioner also filed a review petition on 12.02.2015 before the Inspector General of Railway and it was rejected on 18.03.2015. The petitioner also filed a mercy petition dated 09.11.2005 before the second respondent and it was also rejected. After nearly ten years, the petitioner has submitted a representation dated 27.07.2015 in the form of mercy petition stating among other things that one Venkatesan, HC 1287, who was similarly placed, was shown leniency and the order of removal from service was set aside and he was imposed with punishment of postponement of increment for two years without cumulative effect and therefore, his case may be sympathetically considered.

3. Heard the submissions of Mr.A.Kalaiselvan, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents. He would submit that the petitioner wants to revive the stale claim and was removed from service as early as 06.10.2004 and challenge made to the order of removal in the appeal and review had ended in dismissal and hence the petitioner is guilty of delay and laches.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the same, directs the first respondent to consider the representation dated 27.07.2015 submitted by the petitioner in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kgk (CO)
Ccp (07/09/2015)

mmi

To

1.The Secretary to Government,
Home Department,
Secretariat, Chennai - 9.

2.The Director General of Police,
Mylapore, Chennai - 4.

+1cc to Mr.A.Kalaiselvan, Advocate, (S.R.No.43701)
+1cc to the Government Pleader, (S.R.No.43820)

kgk (CO)
Ccp (07/09/2015)

W.P.No.25654 of 2015



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