

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27287 of 2015
and
M.P.No.1 of 2015

Hari Ram Kumar

...Petitioner

Vs

1. The Superintendent of Police,
Kancheepuram District.
2. The Deputy Inspector General of Police,
Kancheepuram Range, Kancheepuram.
3. The Director General of Police(L&O),
Dr.Radhakrishnan Salai, Chennai-4.

...Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of certiorarified mandamus calling for the records of the first respondent in connection with the impugned order passed by him in PR No.4/2013 under Rule 3(b), dated 21.08.2014 and confirmed by the 2nd respondent in Na.Ka.No.B4/6528/2014 RO No.20/2014 dated 7.10.14 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.M.Muthappan

For Respondents : Mr.R.Vijayakumar,
Addl. Govt. Pleader

ORDER

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

2.The petitioner has entered the service as directly recruited Grade II Police Constable on 01.03.2009. During the year 2011, he was transferred to Kancheepuram District Armed Reserve. One Ms.Sumathi has lodged a complaint against the petitioner, based on which, Chengalpet Town Police Station, registered a case in Crime No.37 of 2013 for the alleged commission of the offences punishable under Sections 451, 354, 323, 506(i) IPC r/w Section 3(i)(ix) and 3(II) (VII) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The petitioner was visited with a disciplinary proceedings in the form of charge memo dated 02.02.2013, alleging that while he was on duty at Pennalur Electricity Board Plant, he is having a stomach pain, went out, without seeking any permission and also misbehaved with Ms.Sumathi, which resulted in registration of the above said case. The petitioner has submitted his explanation and after enquiry, the enquiry officer has found that both charges have been proved and the disciplinary authority has imposed the petitioner with the punishment of removal from service. The petitioner, aggrieved by the same, has preferred an appeal to the appellate authority/the second respondent, who also concurred with the order of punishment passed by the disciplinary authority. The petitioner has also filed a memorial/mercy petition before the third respondent praying for reviewing the order of punishment and reinstatement in service and came forward to file this writ petition, challenging the order of punishment imposed by the disciplinary authority, as confirmed by the appellate authority.

3.Mr.M.Muthappan, learned counsel appearing for the petitioner would submit that in so far as the complaint lodged by Ms.Sumathi is concerned, the said case, after investigation, has culminated in a charge sheet, which was taken on file by the jurisdictional Magistrate, who committed the case to the jurisdictional Sessions Court and it was taken on file in S.C.No.248 of 2013 by the Principal Sessions Judge, Chengalpet. The Trial Court, after fullfledged trial, has recorded a finding that the prosecution has failed to prove the charges framed against the petitioner and pronounced the order of acquittal on 24.04.2015 and so far, no appeal against the order of acquittal has been filed by the State. It is the further submission of the learned counsel for the petitioner that it would be suffice to direct the third respondent to consider and dispose of the memorial/mercy petition submitted by the petitioner in accordance with law, within a stipulated time frame.

4.The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the

respondents.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the third respondent to consider the petitioner's memorial/mercy petition dated 25.11.2014, in accordance with law and pass orders within a period of eight 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Superintendent of Police,
Kancheepuram District.
2. The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram.
3. The Director General of Police(L&O),
Dr.Radhakrishnan Salai,
Chennai-4.

1 CC to Mr.M.Muthappan, Advocate SR.No. 47682

1 CC to the Government Pleader, SR.No.47292

MSM (CO)
PSI (14.09.2015)

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