

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.09.2015

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30658 of 2015

S.Gurumoorthy

... Petitioner

vs.

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

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

3. he Joint Commissioner of Police
(West Zone),
SIDCO Administrative Building,
Ambattur, Chennai - 58.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the Commissioner of Police, Greater Chennai, the second respondent herein to dispose the petitioner's representations dated 08.11.2011 and 17.05.2012 within a stipulated time fixed by this Court.

For Petitioner : Dr.R.Sampathkumar

For Respondents : Mr.S.Gunasekaran,
Govt. Advocate

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ORDER

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

2. The petitioner is a police constable and he was visited with a disciplinary proceedings in P.R.No.88 of 2005 alleging that he assisted for the leakage of question papers for the purpose of

passing in the examination for promotion to the post of Head Constables. The disciplinary proceedings initiated against the petitioner has culminated in the punishment of reduction in the pay by three stages for three years with cumulative effect. The petitioner has also filed a departmental appeal before the first respondent and the same is pending. The grievance expressed by the petitioner is that though the order of punishment has worked out itself and inspite of pendency of the appeal, the subsequent annual increments which had fallen due have not been paid to him and in this regard, he has submitted representations dated 8.11.2011 and 17.5.2013 in person to the Deputy Commissioner of Police (Admn) as well as the Joint Commissioner of Police (West Zone), respectively. Since no orders have been passed, he came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that since the order of punishment has already worked out itself and since the currency of punishment is already over, there cannot be any impediment on the part of the respondents to sanction increments due and payable to the petitioner and prays for appropriate orders.

4. This Court heard the submissions of the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, directs the second respondent to consider and dispose of the petitioner's representations dated 8.11.2011 and 17.5.2012 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. It is also the grievance of the petitioner that the appeal against the order of punishment is also pending on the file of the first respondent and therefore, this Court directs the first respondent to consider and dispose of the petitioner's departmental appeal dated 7.5.2012 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7. The writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

msk

To

1. The Director General of Police,
Mylapore, Chennai - 4.
2. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 7.
3. The Joint Commissioner of Police
(West Zone),
SIDCO Administrative Building,
Ambattur, Chennai - 58.

+1 cc to Dr.R.SsampathKumar, Advocate (sr.52694)
+1 cc to Government Pleader (sr.52959)

W.P.No.30658 of 2015

KGK(co)
cp 12/10/2015

सत्यमेव जयते

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