

In the High Court of Judicature at Madras

Dated: 06.10.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31517 of 2015

Mr.s.Vezhavendan (EX.H.C.17897)

.. Petitioner

Vs.

1. The Director General of Police,
O/o The Director General of Police,
Santhome, Chennai.
2. The Chennai City Police Commissioner,
O/o The Commissioner of Police,
Veppery, Chennai.
3. The Deputy Commissioner of Police,
O/o. The Commissioner of Police,
Veppery, Chennai.

.. Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the first respondent to dispose of the petitioner's mercy petition dated 25.11.2014 to condone the delay in preferring statutory appeal against the order of removal from service within a time limit.

For Petitioner : Mr.S.Nambi Arooran

For Respondents : Mr.S.Gunaseakaran,
Government Advocate

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner, while working as a Head Constable, said to have involved in a criminal case in Crime No.24 of 2013 registered by the All Women Police Station, Vadamadurai, Dindigul for the commission of offence under Sections 109, 294(b), 494, 498(a) and 506(i) IPC under the guise of the compliant given by Tmt.Eswari. Simultaneously, Departmental Proceedings were also initiated and on conclusion of the same, the third respondent had passed an order of removal from service

on 10.04.2013. Challenging the same, the petitioner has filed an appeal before the second respondent and the second respondent, vide his communication dated 18.09.2014, has informed the petitioner that the appeal was time barred and directed him to file a petition for condonation of delay in filing the appeal before the first respondent. Accordingly, the petitioner has filed a petition for condonation of delay in filing the appeal before the first respondent on 25.11.2014. Since no orders has been passed, the petitioner came forward to file the present Writ Petition.

3. Learned counsel appearing for the petitioner would submit that the petition dated 25.11.2014 filed by the petitioner to condone the delay in filing the appeal is yet to be disposed of by the first respondent and hence prays for appropriate orders.

4. Heard the submissions of the learned counsel appearing 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 by the petitioner, directs the first respondent to consider the petition to condone the delay in filing the appeal and pass orders on merits and in accordance with law within a period of two 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.

sl

Sd/-
Assistant Registrar (Admn.,I)

/True Copy/

सत्यमेव जयते

Sub-Assistant Registrar

To

1. The Director General of Police,
O/o The Director General of Police,
Santhome, Chennai.
2. The Chennai City Police Commissioner,
O/o The Commissioner of Police,
Veppery, Chennai.

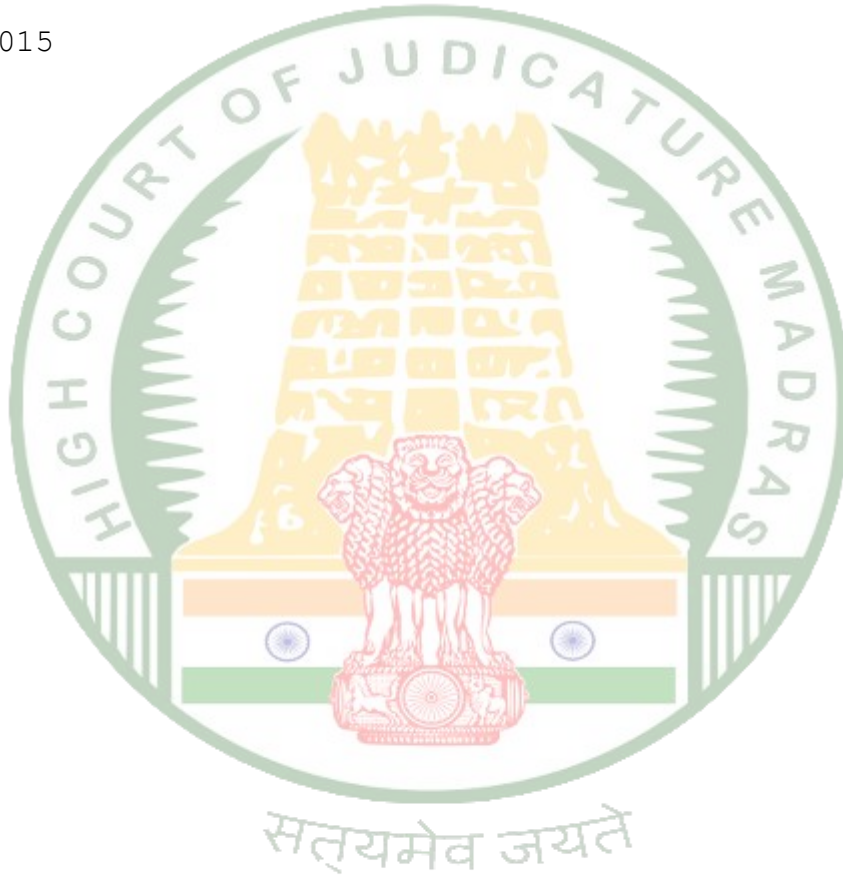
3. The Deputy Commissioner of Police,
O/o. The Commissioner of Police,
Veppery, Chennai.

+1 C.C. To MR.S.Nambi Arooran, Advocate in SR.NO.54522

+1 C.C. To The Government Pleader in SR.NO.54338

Writ Petition No.31517 of 2015

VD (CO)
sd : 26/10/2015



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