

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35279 of 2015

G.Sivakumar

.. Petitioner

vs.

1.The Director General of Police,
Tamil Nadu, Chennai - 4.

2.The Deputy Commissioner of Police (Crime),
Madurai City, Madurai.

3.The Assistant Commissioner of Police,
All Women Police Station,
Thallakulam, Madurai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose of the Mercy Petition dated 10.02.2014 within a stipulated time.

For petitioner : Mr.T.P.Prabakaran

For respondents : Mr.S.Gunasekaran,
Government Advocate

ORDER

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

2. This Writ Petition has been filed seeking for a Writ of Mandamus directing the first respondent to dispose of the Mercy Petition dated 10.02.2014 of the petitioner within a stipulated time.

3. The case of the petitioner is that he was appointed in Tamil Nadu Police Service as Police Constable on 1.3.1995. Subsequently, he was promoted to the post of Grade I Constable during the year 2005. Thereafter, he was promoted to the post of Head Constable during the year 2010. During his service, disciplinary proceedings was initiated against him vide charge memo No.D2(1) Tha.Pa.No.40 of 2012 dated 21.3.2012. However, he neither submitted his explanation to the charge nor he attended

the enquiry. Based on the report of the enquiry officer dated 16.11.2012, the second respondent held that the charge is proved. The petitioner was imposed with the punishment of compulsory retirement from service. It is further stated that he filed a Mercy Petition before the first respondent dated 10.02.2014, but the same is yet to be disposed of. Hence the Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. This Court considering the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider the Mercy Petition/Appeal dated 10.02.2014 of the petitioner and pass orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

asvm

To

1.The Director General of Police,
Tamil Nadu, Chennai - 4.

2.The Deputy Commissioner of Police (Crime),
Madurai City, Madurai.

3.The Assistant Commissioner of Police,
All Women Police Station,
Thallakulam, Madurai.

+1 cc to M/s.T.P.Prabakaran, Advocate, sr. 61035

+1 cc to The Government Pleader, sr.60752

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kra 18/11/2015