

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.03.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.10871 of 2016
and WMP.No.9485 of 2016

M.Mannankatti

.. Petitioner

Vs

The Principal Secretary to Government
Home (Police V) Department
Fort St.George, Chennai -600 009

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records connected with the Government letter issued in Letter No.89707/Pol.V/2013-5 dated 07.10.2015 (served on 16.3.2016) passed by the respondent herein and quash the same.

For petitioner : Mr.S.Ilamvaludhi
For respondents: Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

Mr.Mannankatti, who was working as Police Constable in Cuddalore New Town Police station, was dismissed from service by order dated 08.4.1970. Aggrieved by the order of dismissal, the petitioner preferred an appeal before the Deputy Inspector General of Police, Trichy, on 02.7.1970 and the same was dismissed vide proceedings in C.No.77/Appeal/70 confirming the order of dismissal passed by the Superintendent. As against the same, the petitioner preferred a Review Petition to the Inspector General of Police requesting to reinstate him but the same went in vain. Finally, the petitioner has approached this Court by way of Writ petition in W.P.No.25423 of 2014 and this Court, by order dated 18.9.2014, directed the respondent to consider the petitioner's representation dated 14.12.2013. Pursuant thereto, the impugned order has been passed by the respondent stating that as the petitioner had deserted the Police Force from 25.7.1969, the order of dismissal was passed, after following the due procedure. It is also stated in the impugned order that the request of the petitioner seeking modification of the punishment imposed against him cannot be considered after a lapse of 45 years.

2. I fully agree with the reasoning given by the respondent in the impugned order.

3. However, Mr. Ilamvaludhi, learned counsel appearing for the petitioner submitted that this Court, while disposing of the writ petition No.25423 of 2014, by order dated 18.10.2014, directed the Government to consider the representation of the petitioner, however, no good reason has been assigned by the respondent in the impugned order. Therefore, according to the learned counsel, the impugned order deserves to be set aside.

4. Again, this Court is not able to accept the submission made by the learned counsel for the petitioner, as the respondent, after carefully considering the representation of the petitioner in the light of the order of this Court dated 18.10.2014, has rightly passed the impugned order holding that the petitioner had deserted the Police Force from 25.7.1969 and hence, the order of dismissal was passed after following the due procedure. It is also mentioned in the impugned order that after a lapse of 45 years, the representation has been made by the petitioner seeking modification of punishment imposed against him, hence, the same cannot be considered. Besides, it is not known how the petitioner is justified to come to this Court with delay of 45 days.

5. The reasoning given by the respondent is in order hence no interference is called for.

6. Therefore, I find no merits in the writ petition. Accordingly, the writ petition fails and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

The Principal Secretary to Government
Home (Police V) Department
Fort St. George, Chennai -600 009

+ 1 cc to Mr. S. Ilamvaludhi, Advocate, SR 18820
+ 1 cc to Govt. Pleader, High Court, Madras SR 18702

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