

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15340 of 2016

and WMP.Nos.13372 and 13373 of 2016

C.Rajendran

... Petitioner

.Vs.

1 The Commissioner of Police,  
Chennai Greater Metropolitan,  
Office of Commissioner of Police,  
Poonamallee High Road,  
Vepery,  
Chennai.

2 The Joint Commissioner of Police,  
Police Office Street,  
Binny Road,  
St. Thomas Mount,  
Nizarathipuram,  
Gandhi Nagar,  
Chennai 600 016.

3 The Deputy Commissioner of Police,  
Chennai South Mylapore Range,  
No.140, Kutchery Road,  
Mylapore,  
Chennai 600 04.

4 The Assistant Commissioner of Police,  
Saidapet Range,  
Chennai 15.

5 The Inspector of Police,  
E-2, Royapettah Police Station,  
Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of dismissal passed by the 3<sup>rd</sup> respondent vide Ref.No.PR.No.39/P.R.II (s)/06 Z.O. (South) No.620/06 dated 27.09.2006 and the consequential

order of confirmation of dismissal passed in Appellate proceedings by the 2<sup>nd</sup> respondent vide order in Rc.No. Appeal 13 / PR.II(S) / 2006 dt.26.12.2006 and quash the same and consequently direct the respondents to reinstate the petitioner notionally with all other attendant benefits from the date of dismissal from service and to grant terminal pensionary and other attendant benefits holding that the petitioner as superannuated on 03.02.2013.

For petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.R.Vijayakumar  
Additional Government Pleader

ORDER

While the petitioner was serving as Head Constable at E-1, Mylapore Police Station, Chennai, he had suffered an order of termination on 27.09.2006 passed by the 3<sup>rd</sup> respondent / Deputy Commissioner of Police, Chennai South Mylapore Range. Aggrieved by the same, he had preferred an appeal before the 2<sup>nd</sup> respondent/Joint Commissioner of Police, Chennai, and the 2<sup>nd</sup> respondent, by order dated 26.12.2006, confirmed the order of dismissal. Admittedly, he had also suffered an order of removal from service dated 27.09.2006. After keeping quiet for a long period of 9 years, he has come to this Court, challenging the order of termination dated 27.09.2006 and 26.12.2006.

2.Learned counsel appearing for the petitioner also repeating the same averments would submit that the petitioner is having a family of a wife and 6 children, out of which, three girl children have also to be taken care of. Therefore, some leniency has to be given to the petitioner by considering the prayer for representation.

3.It is seen that the petitioner initially suffered an order of termination on 27.09.2006 by the 3<sup>rd</sup> respondent and thereafter, when appeal was preferred, the 2<sup>nd</sup> respondent had also confirmed the same vide his order dated 26.12.2006. In view of huge delay, this Court can't entertain this petition. Though the learned counsel for the petitioner sought for some leniency to the petitioner by considering the prayer for representation, this Court is unable to agree with the same. Hence, this Writ Petition fails on the ground of laches, because the petitioner has committed guilty of laches.

According, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner of Police,  
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- 2 The Joint Commissioner of Police,  
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- 4 The Assistant Commissioner of Police,  
Saidapet Range,  
Chennai 15.
- 5 The Inspector of Police,  
E-2, Royapettah Police Station,  
Chennai.

+2cc to M/S.P.G.Thiyagu, Advocate Sr.26024  
+1cc to the Government Pleader sr.26645

W.P.No.15340 of 2016 &  
WMP.Nos.13372&13373/16

ug[co]  
srg 30/05/2016