

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.15898 of 2016

K.Kumaresan

... Petitioner

-vs-

1.The State of Tamil Nadu,
rep. by Secretary to Government,
Home Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Director General of Police,
Mylapore, Chennai-600 004.

3.The Deputy Inspector General of Police,
Coimbatore Range, Coimbatore District.

4.The Superintendent of Police,
Erode District at Erode.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relevant to the order in J1/PR/150/92 dated 29.01.1997 passed by the fourth respondent which was confirmed by the third respondent in his proceedings No.AP.24/D2/97 dated 12.05.1997 and it was also confirmed in the Review Petition by the second respondent in his proceedings No.71800/AP-1(1).98 dated 11.08.1998 and quash the same as illegal, improper and against the rule of law and thereby direct the respondents to reinstate the petitioner into his service from 29.01.1997 with pay back all service benefits to him.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents: Mr.S.Gunasekaran,
Additional Government Pleader

O R D E R

The petitioner K.Kumaresan, who was appointed as Grade II Police Constable in the Tamil Nadu Police Department on 23.12.1985, and suffered a charge memo issued under Rule 3(b) of

Tamil Nadu Police Subordinate Service (Disciplinary and Appeal) Rules 1955, has come to this Court challenging the order in J1/PR/150/92 dated 29.01.1997 passed by the fourth respondent, which was confirmed by the third respondent in his proceedings No.AP.24/D2/97 dated 12.05.1997 and it was also confirmed in the Review Petition by the second respondent in his proceedings No.71800/AP-1(1).98 dated 11.08.1998 and thereby directing the respondents to re-instate him in service from 29.01.1997 with pay back all service benefits to him.

2.A perusal of the proceedings of the Superintendent of Police, Periyar District dated 29.01.1997, shows that the Deputy Superintendent of Police, Gobichettipalayam has conducted an oral enquiry and drawn a proved minute. It further reveals that when the petitioner was asked to submit his final explanation to the enquiry officer, even after two reminders issued to him on 08.02.1996 and 15.02.1996, the petitioner after acknowledging the show cause notice, calling for further explanation on 17.04.1996 and even after one reminder issued on 28.06.1996 and the same was acknowledged by him on 12.07.1996, he has not bothered to submit his further representation. Therefore, the Superintendent of Police, Periyar District at Erode, has accepted the Minutes of the Deputy Superintendent of Police, Gobichettipalayam and observed that as per Rule 23 of Tamil Nadu Police Subordinate Service Police Officers Conduct Rules 1964, prior sanction from the Government is necessary to contract a second marriage and finding that the petitioner had failed to obtain any such prior permission and also that the petitioner having married two innocent girls by falsely representing that he was a bachelor belonging to the respective communities of the ladies concerned, removed the petitioner from service, by order dated 29.01.1997.

3. Thereafter, the petitioner has not taken any steps to challenge the said order and after keeping quite for 17 years, he has come to this Court challenging the aforementioned impugned order of removal from service. This Court finds no sufficient cause to excuse such an unexplained delay of 17 years. Therefore, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Secretary to Government,
Home Department,
The State of Tamil Nadu,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Director General of Police,
Mylapore, Chennai-600 004.

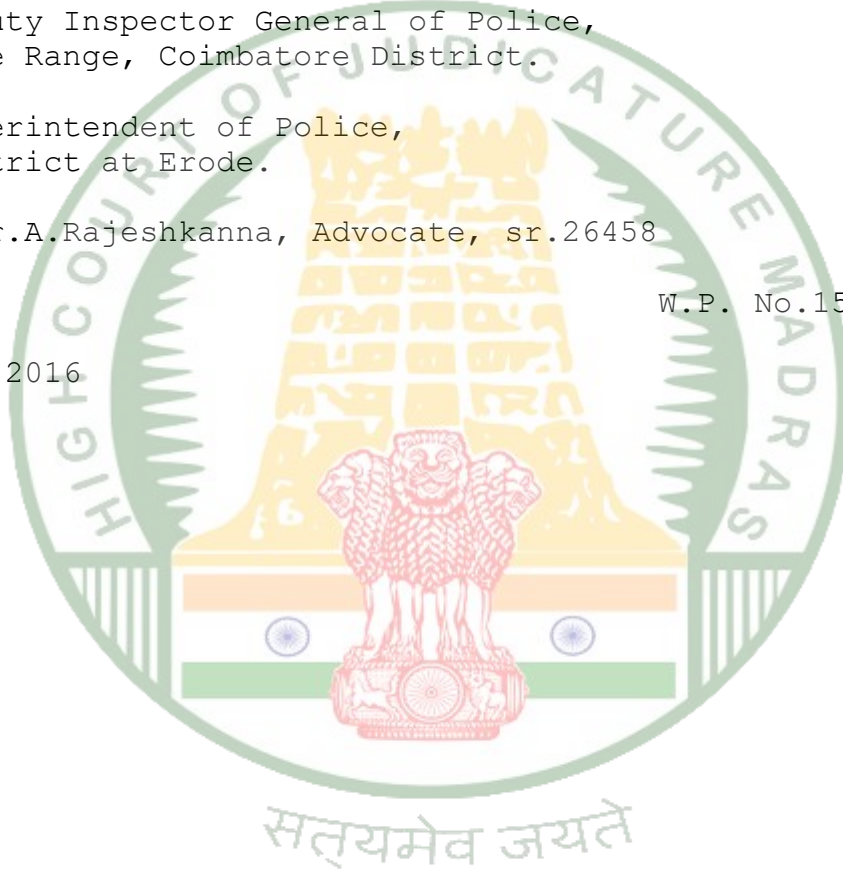
3.The Deputy Inspector General of Police,
Coimbatore Range, Coimbatore District.

4.The Superintendent of Police,
Erode District at Erode.

1 cc to Mr.A.Rajeshkanna, Advocate, sr.26458

W.P. No.15898 of 2016

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