

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2016

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17455 of 2016

M.Ranganathan

.. Petitioner

Vs.

The Deputy Inspector General of Police
Villupuram Range
Villupuram.

...Respondent

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the respondent to consider the claim of the petitioner made in the petitioner's representation dated 04.04.2016 for quashing the order of dismissal from service issued in RO.No.442/2013 in C.No.B2./PRO9/2001 dated 28.11.2013 and for reinstatement of the petitioner in the light of the similar orders granted to Tr.Rahamadulla Khan in D.O.No.196/2016 in C.No.D2/3297/2012 dated 02.03.2016 within a reasonable time.

For Petitioner : Mr.M.Muthappan

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

O R D E R

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2.This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondent to consider the claim of the petitioner made in the petitioner's representation dated 04.04.2016 for quashing the order of dismissal from service issued in RO.No.442/2013 in C.No.B2./PRO9/2001 dated 28.11.2013 and to reinstatement of the petitioner in the light of the similar orders granted to Tr.Rahamadulla Khan in D.O.No.196/2016 in C.No.D2/3297/2012 dated 02.03.2016 within a reasonable time.

3. The petitioner was directly recruited as a Police Constable in Cuddalore District in the year 1958 and subsequently, he was promoted as Head Constable in 1973 and

then as Sub Inspector in 1979. The petitioner was due for superannuation on 31.05.1996 but he was not allowed to retire from service since a show cause notice was issued against him for having convicted in a criminal case. It is the case of the petitioner that he was already punished in the departmental enquiry in P.R No.3/96 in respect of the said case. It is the further case of the petitioner that subsequently, the petitioner was dismissed from service based on the misconduct relating to the conviction in the criminal case. Now, the criminal case has ended in acquittal and in the absence of any appeal filed against the acquittal in the criminal case, the acquittal recorded in the criminal case is binding on the respondent and the order of dismissal from service has to be set aside. Moreover, the petitioner cannot be punished twice for the same set of allegations when admittedly he has been punished in the departmental enquiry. According to the petitioner, similarly placed person like that of the petitioner viz., Tr.Rahamadulla Khan, the co-delinquent have been given the benefit of setting aside the order of dismissal from service, besides ordering reinstatement and allowed to retire from service and hence, the petitioner is also entitled to the similar relief. The petitioner has made a representation to the respondent dated 4.4.2016 to quash the order of dismissal and to reinstate him in service in the light of the similar order passed to the similarly placed person, Tr.Rahamadulla Khan. This writ petition has been filed to consider the said representation dated 4.4.2016.

4. The learned counsel for the petitioner would submit that the petitioner would be satisfied if his representation is directed to be considered and appropriate orders are passed.

5. The learned Additional Government Pleader who takes notice for the respondent has no serious objection in directing the respondent to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondent to consider the representation of the petitioner dated 04.04.2016 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

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

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

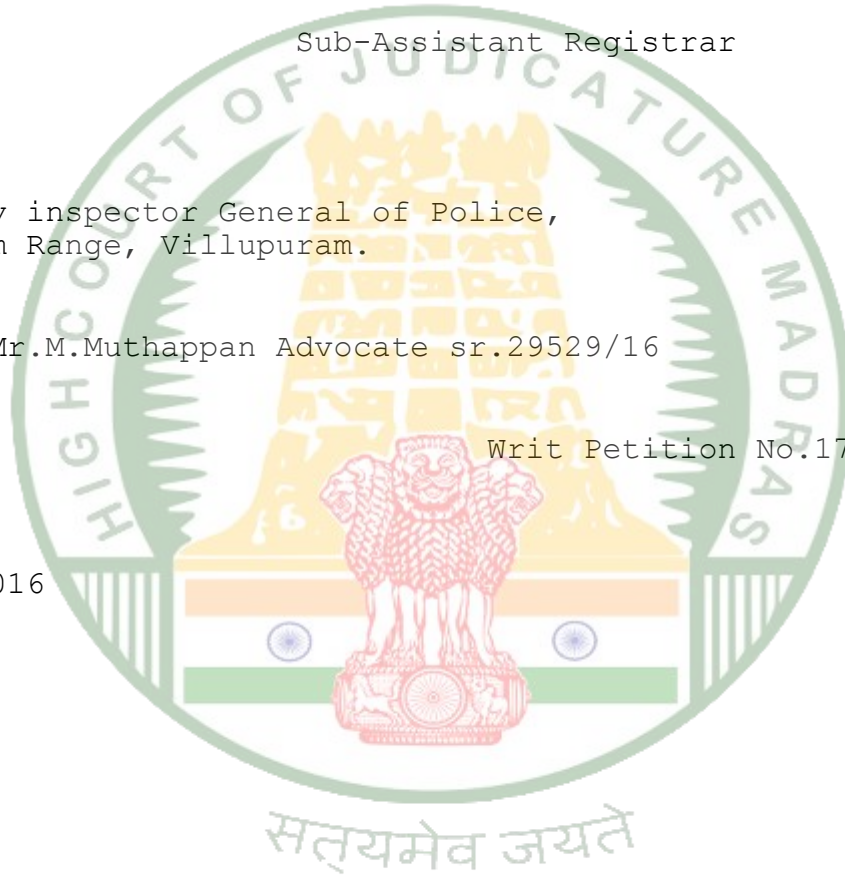
To

The Deputy Inspector General of Police,
Villupuram Range, Villupuram.

+1 cc to Mr.M.Muthappan Advocate sr.29529/16

Writ Petition No.17455 of 2016

sr(co)
aa13/06/2016



WEB COPY