

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.18783 of 2016

and W.M.P.No.16393 of 2016

G.Rajaraman

.. Petitioner

Vs.

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

2.The Additional Director General of Police (L&O),
Chennai-600 004.

3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in connection with the impugned order passed by him in R.O.No.40/2014 in C.No.82/PR 41/2013, dated 22.01.2014, and confirmed by the 2nd respondent in R.C.No.031425/API(2)/2014, dated 14.10.2014 and quash the same and to direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.M.Dig Vijaya Pandian
Additional Government Pleader

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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 Certiorarified Mandamus, to call for the records of the 1st respondent in connection with the impugned order passed by him in R.O.No.40/2014 in C.No.82/PR 41/2013, dated 22.01.2014, and

confirmed by the 2nd respondent in R.C.No.031425/API(2)/2014, dated 14.10.2014 and quash the same and to direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

3. The petitioner entered into service as Grade-II Police Constable in the Tamil Nadu Special Police X Battalion, Ulundurpet, on 16.04.1997. He was promoted as Sub-Inspector of Police, on 18.01.2008. On 26.07.2013, the petitioner was directed to appear for an oral enquiry in connection with P.R.No.67 of 2012 under Rule 3(b) of Tamil Nadu Police Subordinate Services (Discipline & Appeal) Rules (for short, "TNPSS (D&A) Rules") . Pursuant to which, on 08.07.2013, the petitioner was issued with a charge memo under Rule 3(b) of TNPSS (D&A) Rules. The Enquiry Officer held the charge proved, by report dated 14.12.2013. The petitioner submitted a representation on 06.01.2014 to the Enquiry Officer's report. But, the Disciplinary Authority issued a punishment of dismissal from service, by order dated 22.01.2014. As against which, the petitioner preferred a statutory appeal before the 2nd respondent, on 05.02.2014. The said appeal was rejected, on 14.10.2014. Aggrieved against the same, the petitioner preferred an appeal before the 3rd respondent for review of the dismissal from service, on 19.02.2015. Till date, there was no response and hence, the present Writ Petition has been filed.

4. Mr.M.Muthappan, the learned counsel for the petitioner would submit that though, the prayer in this Writ Petition is for a larger relief, he is restricting his claim and he would be satisfied, if the appeal for review of the dismissal from service, which is pending before the 3rd respondent right from 19.02.2015, is directed to be considered and disposed of at the earliest.

5. Mr.M.Dig Vijaya Pandian, the learned Additional Government Pleader, who takes notice on behalf of the respondents, pointed out that there is no acknowledgment.

6. Considering the submission of the learned counsel for the petitioner that though, the prayer sought for in this Writ Petition is for a larger relief, he is restricting his prayer, this Court, without going into the merits of the claim made by the petitioner, since the appeal, seeking review of the dismissal from service, has already been filed on 19.02.2015, and the same is pending before the 3rd respondent, directs the 3rd respondent to consider the appeal, seeking review of the dismissal from service, filed by the petitioner, on 19.02.2015, if any pending, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. 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. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Inspector General of Police
Villupuram Range
Villupuram.
- 2.The Additional Director General of Police (L&O)
Chennai-600 004.
- 3.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai-600 004.

+1cc to the Government Pleader Sr.29784
+1cc to Mr.M.Muthappan, Advocate sr.29530

W.P.No.18783 of 2016

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srg 16/06/2016

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