

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33278 of 2016

N.Nityanandan

... Petitioner

Vs.

The Director General of Police

Dr.Radhakrishnan Salai,

Mylapore, Chennai - 600 004.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider and pass orders on the representation of the petitioner dated 17.08.2016 in view of the acquittal in the criminal case in CC No.1769 of 2005 dated 18.07.2016 on the file of the Judicial Magistrate-III, Coimbatore to set aside the punishment imposed on him in PR No.101/2004 dated 8.3.2006 and confirmed by the appellant authority in C.No.D2/AP25/2006 dated 6.9.2006 and reinstate him into service within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.N.Srinivasan, AGP

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The Writ Petition has been filed to direct the respondent to consider and pass orders on the representation of the petitioner dated 17.08.2016 in view of the acquittal in the Criminal Case in CC No.1769 of 2005 dated 18.07.2016 on the file of the learned Judicial Magistrate-III, Coimbatore and to set aside the punishment imposed on him in PR.No.101/2004 dated 8.3.2006 which was confirmed by the appellant authority in C.No.D2/AP25/2006 dated 6.9.2006 and to reinstate him into service within a reasonable time fixed by this Court.

3. It is the case of the petitioner that the petitioner entered into the service as a directly recruited Grade-II Police Constable through a selection conducted by Tamil Nadu Uniformed Services Recruitment Board in the year 1997. While he was serving in the District Armed Reserve, Coimbatore, he was falsely implicated in a criminal case in Crime No.932/2004 on the file of Race Course Police

Station for the offences under Sections 120-B, 420 and 109 of IPC on the allegation that along with 4 others, he has cheated the complainant that they would get gold biscuits for a lesser sum and received a sum of Rs.5,50,000/- from the complainant.

4. Thereafter, the petitioner was suspended from service on 25.06.2004 by the Superintendent of Police, Coimbatore District. In this regard, a preliminary enquiry was conducted and he was issued with a Charge Memo and the same was served on the petitioner in RC.No.J1/P.R.No.101/2004 dated 08.03.2006. Since the petitioner denied the charges and in spite of pending of the criminal case, the Enquiry Officer proceeded with the enquiry and held that the charges against the petitioner have been proved. Thereafter, the Disciplinary Authority by an order dated 03.08.2006 agreed with the findings of the Enquiry Officer, imposed the punishment of removal from service. Against which, the petitioner preferred an appeal before the Deputy Inspector of Police, Coimbatore Range on 07.04.2006 and the same was also rejected by an order dated 06.09.2006.

5. While so, the criminal case ended in acquittal. Now, the grievance of the petitioner is that based on the criminal case only, he was dismissed from service and when the same was ended in acquittal, there is no embargo for the respondent to reinstate him in service. Hence, he made a representation to the respondent on 17.08.2016 requesting to take him back for duty. But there is no reply from the respondent. Hence, the present Writ Petition.

6. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

7. Considering the facts and circumstances of the matter and also considering the limited prayer made in the Writ Petition, without going into the merits of the claim made by the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 17.08.2016 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order. It is made clear that this Court has not expressed any opinion regarding the claim of the petitioner. It is for the respondent to decide the same.

8. With the above direction, the present Writ Petition is disposed of. No costs.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

tsi

To

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

+1cc to M/s M.Muthappan, Advocate Sr.53896  
+1cc to Government Advocate Sr.54199

W.P.No.33278 of 2016

NR(CO)  
RVR 22/10/2016



WEB COPY