

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34334 of 2016

C.Dhanasingh

... Petitioner

Vs.

The Director General of Police,
Mylapore,
Chennai – 04.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider and pass appropriate order on his mercy petition dated 19.02.2014 within a reasonable time.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondent to consider and pass appropriate order on his mercy petition dated 19.02.2014 within a reasonable time.

3.The petitioner herein studied upto Higher Secondary and joined as Grade-II Police Constable on 25.05.1988. The petitioner would state that while he was serving as Grade – II Police Constable at Seevalaperi Police Station, he was granted five days casual leave from 24.01.1996 to 31.01.1996 and when he was on casual leave, he developed vomiting and head ache. Hence, he appeared before the Medical Officer on 29.05.1996 and the Doctor found that he was affected from Jaundice and recommended bed rest for 25 days. Hence, the petitioner applied for medical leave for 25 days from 29.05.1996 and he had to report for duty on 23.07.1996, but the petitioner was bed ridden and was under medical observation and the Medical Officer recommended for 60 days medical leave from 23.07.1996 to 20.09.1996.

4.The petitioner would further state that in the meanwhile, he was declared as a deserter in D.O.No.1927/96 dated 17.08.1996 and the same was pasted on the door of his house which he came to know only after returning from the hospital. Thereafter, the petitioner appeared before the Superintendent of Police who in turn gave the endorsement that the petitioner would be taken back for duty only after the disposal of the Punishment Roll initiated against him.

Thereafter, the Superintendent of Police imposed the punishment of 'dismissal from service' as the Enquiry Officer held that the charges have been proved. Aggrieved by the same, the petitioner preferred appeal to the higher authorities and the same ended in dismissal. Thereafter, the petitioner submitted mercy petition to the respondent on 19.02.2014 and the same is pending. Hence, this petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who takes notice for the respondent.

6. Considering the submissions made on either side and without going into the merits of the claim made by the petitioner, this Court directs the respondent to pass appropriate orders on the petitioner's mercy petition dated 19.02.2014, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to decide the matter, purely on merits.

R.SUBBIAH,J.

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8.The writ petition is disposed of accordingly. No costs.

29.09.2016

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Index: Yes / No

Internet: Yes / No

To

The Director General of Police,
Mylapore,
Chennai – 04.

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