

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36221 of 2016

R.Perumal

... Petitioner

Vs.

1. The Director General of Police,
Chennai - 600 004.
2. The Commissioner of Police,
Coimbatore City,
Coimbatore.
3. The Deputy Commissioner of Police,
Crime & Traffic,
Coimbatore City,
Coimbatore.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 11.07.2016 seeking to re-instate the petitioner in the post of Grade I Police Constable (Gr.I PC 1452), within a reasonable time, as may be fixed by this Court.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents : Mr.R.Dhananjeyan
Special Government Pleader

O R D E R

With the consent of both sides, the main writ petition is taken up for final disposal.

2. The writ petition is filed seeking Mandamus directing directing the 1st respondent to consider the representation of the petitioner dated 11.07.2016 seeking to re-instate the petitioner in the post of Grade I Police Constable (Gr.I PC 1452).

3. The petitioner was appointed as Grade II Police Constable under the second respondent and subsequently, he was promoted to the post of Grade I Police Constable (Gr.I PC1452).

While being so, on 25.09.2010, when he went to serve summons to the accused, namely, Manikandan in Crime No.821 of 2008, to Udumalpet recreation Club at Udumalpet, the petitioner was detained along with 20 persons, who were playing card, by the Inspector of Police, Udumalpet police and remanded to judicial custody and a case in Crime No.5015 of 2010 was registered under Sections 8 and 9 of Tamil Nadu Gaming Act. The petitioner was placed under deemed suspension with effect from 25.09.2010 by the order of the 3rd respondent dated 29.09.2010. Apart from that, three charges were framed against the petitioner under Rule 3(b) of Tamilnadu Police Subordinate Service (D & A) Rules, 1955 in PR 01/2011. Though the petitioner gave a detailed explanation denying the charges, he was dismissed from service by an order dated 27.06.2012 of the 3rd respondent holding that all the charges were proved. An appeal filed by the petitioner against the said order was dismissed by the 2nd respondent on the ground that it was time barred.

4. In the meanwhile, the petitioner was acquitted from the criminal case in C.C.No.1216 of 2011 by judgement dated 09.03.2016 by the learned Judicial Magistrate No.1, Udumalpet. Hence, based on the same, the petitioner made a representation dated 11.07.2016 to the first respondent for reinstating him with all service benefits, but the first respondent has not passed any order. Hence, the petitioner has come forward with the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioners and the learned Special Government Pleader who takes notice for the respondents.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim of the petitioner, directs the first respondent to consider the representation of the petitioner dated 11.07.2016 and pass appropriate order 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 with regard to the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner purely on merits and in accordance with law.

7. With the above direction, the present writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mrp

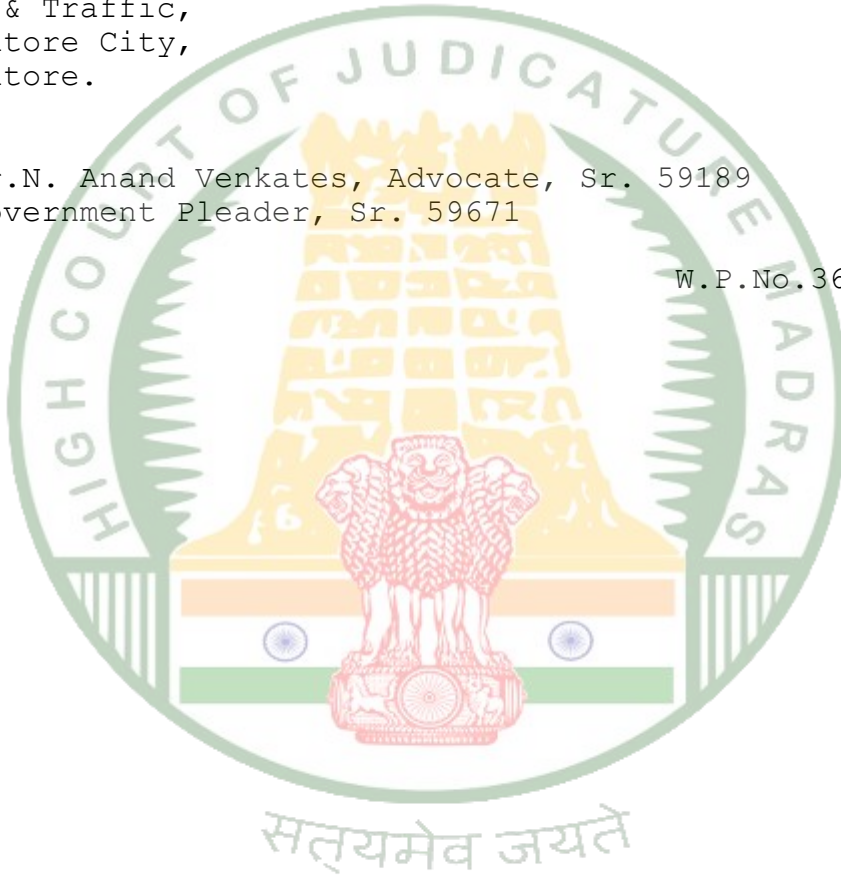
To

1. The Director General of Police,
Chennai - 600 004.
2. The Commissioner of Police,
Coimbatore City,
Coimbatore.
3. The Deputy Commissioner of Police,
Crime & Traffic,
Coimbatore City,
Coimbatore.

1 cc to Mr.N. Anand Venkates, Advocate, Sr. 59189
1 cc to Government Pleader, Sr. 59671

W.P.No.36221 of 2016

KGK (CO)
kk 18/11



WEB COPY