

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37943 of 2016

Hariram Kumar

... Petitioner

Vs.

The Principal Secretary to
Government,
Home (Police II) Department,
Fort St. George, Chennai-9.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and pass orders on the memorial submitted by the petitioner dated 25.6.2016 within a reasonable time.

For Petitioner : Mr.T.Ayngaraprabhu

For Respondent : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and pass orders on the memorial submitted by him dated 25.6.2016 within a reasonable time.

3. It is the case of the petitioner that he entered into service on 1.3.2009 as directly recruited Grade II Police Constable through a selection conducted by TNUSRB. While he was serving in the District Armed Reserve, Kancheepuram District, he was falsely implicated in a criminal case in Crime No.37 of 2013 on the file of the Chengalpattu Town Police Station for the offences under Sections 451, 354, 323 and 506(i) I.P.C. read

with Sections 3(i)(x) and 3(II)(VII) of SC/ST (Prevention of Atrocities) Act, 1989 and he was arrested and remanded to judicial custody. Following his arrest, he was suspended from service by order dated 23.1.2013. Thereafter, he was released from suspension on 3.9.2013 and posted to serve in the District Armed Reserve, Kancheepuram District. Following the registration of the criminal case, he was issued with a charge memo and he submitted an explanation by denying the charges. Thereafter, an enquiry officer was appointed and after completion of enquiry, the enquiry officer submitted his report holding that the charges have been proved, based on which, he was imposed a punishment of dismissal from service by order dated 21.8.2013. As against the order of dismissal, the petitioner preferred a salutatory appeal through proper channel on 19.9.2013. But, the appellate authority, without taking into consideration any of the points raised in the appeal, rejected the same on the ground that a criminal case is pending, against which, the petitioner preferred a review to the Director General of Police on 25.11.2014, followed by another representations dated 2.3.2015 and 5.6.2015, for which, there is no response. In the meantime, the criminal case pending against the petitioner ended in acquittal. After acquittal, the petitioner made another representation to the respondent, for which, there is no response. Hence, the petitioner approached this Court by filing a writ petition in W.P.No.27287 of 2015 and this Court directed the respondent to consider the mercy petition submitted by the petitioner. Pursuant to the said direction, the respondent without considering the contents raised in the mercy petition, rejected the same. Challenging the said order along with the orders of the Disciplinary authority as well as the appellate authority, the petitioner filed another writ petition in W.P.No.18738 of 2016 and this Court, directed the petitioner to approach the Government by submitting a memorial in pursuance of the rule composition in TNPSS (D&A) Rules, 1955. Pursuant to the said direction, the petitioner submitted a memorial to the respondent on 25.6.2016. Since the same was also not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner,

this Court directs the respondent to consider the Memorial of the petitioner dated 25.6.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

The Principal Secretary to
Government,
Home (Police II) Department,
Fort St. George, Chennai-9.

+1 cc to Mr.M.Muthappan,advocate,sr.62247

+1 cc to Govt.Pleader,sr.62488.

rj(co)
krd 5/12

W.P.No.37943 of 2016



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