

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41758 of 2016

R.Mahendiran

.. Petitioner

Vs

The Director General of Police,
Tamilnadu, Head Quarters at Kamarajar Salai,
Chennai-4.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to dispose of the petitioner's mercy petition dated 27.5.2015 submitted in person within a time frame that may be fixed by this Court.

For Petitioner : Mr.A.S.Vijayaragavan

For Respondent : Mr.C.Jagadeesh,
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 respondent to dispose of his mercy petition dated 27.5.2015 submitted in person within a time frame that may be fixed by this Court.

3. It is the case of the petitioner that while he was working as Circle Inspector of Police in Sirkali, the Deputy Superintendent of Police, Sirkazhi Sub Division, by memo dated 3.2.2012, transferred some of the officers and directed the petitioner to relieve them from duty immediately. Pursuant to the said order, one Somasundaram, the Special Sub Inspector of Police and one Balasundaram, the Police Constable were relieved from duty. Insofar as one Radhakrishnan, the Special Sub Inspector of Police is concerned, since he requested casual leave for four days, he was granted leave even before the receipt of memo from the Deputy Superintendent of Police. However, he was also relieved from duty and he reported duty on 8.1.2012 in Sirkazhi Police Station. While so, the petitioner

was issued with a show cause notice dated 8.2.2012 by the Deputy Superintendent of Police, Sirkazhi Sub Division alleging that he failed to implement the orders of the superior officers, for which, the petitioner submitted a representation dated 18.2.2012 stating that he has not committed any action warranting any proceedings. Despite the same, the Superintendent of Police, Nagappattinam District, without conducting any enquiry, imposed punishment of postponement of increment for one year which shall not operate to postpone his future increments. Aggrieved over the same, he submitted a mercy petition to the respondent in person on 27.5.2016. But, the same was not considered so far. Hence, 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 petitioner to send a copy of the mercy petition dated 27.5.2016 along with a copy of this order to the respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the said Mercy Petition and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar
/true copy/

Sub Asst. Registrar

sbi

To

The Director General of Police,
Tamilnadu, Head Quarters at Kamarajar Salai,
Chennai-4.

+1cc to M/s A.S.Vijayaragavan, Advocate Sr.69989
+1cc to The Government Pleader Sr.70592

W.P.No. 41758 of 2016

EU (CO)
RVR 02/01/2017