

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.4350 of 2016

U.Balamurugan

[Petitioner]

Vs

1. The Director General of Police
Law and Order
Chennai 600 004.

2. The Commissioner of Police
Chennai City.

[Respondents]

Prayer: Writ petition is filed under Article 226 of Constitution of India, seeking a writ of mandamus to direct the first respondent to consider and pass orders on the petitioner's representation dated 24.01.2012 regarding cancellation of punishment imposed in the proceedings of the second respondent in PR.No.247/PR/3(1)/2005 dated 16.11.2010 within a time frame that may be fixed by this Court.

For Petitioner : M/s.G.Bala and Daisy

For Respondents : Mr.A.Kumar
Special Government Pleader

O R D E R

Mr.A.Kumar, learned Special Government Pleader, takes notice on behalf of the respondents.

2. The prayer in the writ petition is for the issuance of a writ of mandamus to direct the first respondent to consider and pass orders on the petitioner's representation dated 24.01.2012 regarding cancellation of punishment imposed in the proceedings of the second respondent in PR.No.247/PR/3(1)/2005 dated 16.11.2010 within a time frame that may be fixed by this Court.

3. The case of the petitioner is that while he was working as Grade II Police Constable he was issued with a charge memo on the ground that he has leaked the question paper relating to the selection for the post of Grade II Police Constable during the year 2003-2004. In this regard, he was imposed with a punishment of stoppage of increment for one year without cumulative effect and due to the same, his promotion/upgradation

to the post of Grade I Police Constable is being delayed for more than seven years. Therefore, he has submitted a representation dated 24.01.2012 to the first respondent for cancellation of his punishment. Since no order has been passed so far, the petitioner is before this Court.

4. When the matter is taken up today, the learned counsel for the petitioner would submit that though a larger relief is prayed for by the petitioner to cancel his punishment, he would be satisfied, if a direction is issued to the first respondent to consider and dispose of his representation dated 24.01.2012 as for the past four years, it has been kept pending without any action being taken.

5. The learned Special Government Pleader appearing on behalf of the respondents has got no serious objection for such course of action.

6. Considering the submissions made on either side and taking into account the fact that the representation submitted by the petitioner is kept pending for the past more than four years, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent, to consider the representation submitted by the petitioner dated 24.01.2012 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably, within a period of two months 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 merits of the claim made by the petitioners.

7. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Director General of Police
Law and Order, Chennai 600 004.

2. The Commissioner of Police
Chennai City.

1 cc to Government Pleader, sr.29842

1 cc to M/s.G.Bala & Daisy, Advocates, sr.29595