



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11644 of 2016

R.Premkumar

... Petitioner

Vs.

The Director General of Police,
(Law & Order), Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondent to dispose the Review Application filed by the petitioner dated 17.04.2014 by considering the remainder dated 23.05.2016 within a time frame as fixed by this Court.

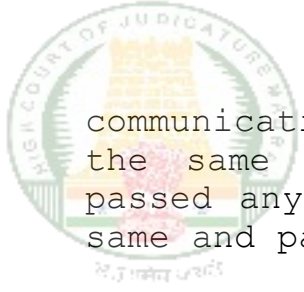
For petitioner : Mrs.Jessi Jeeva Priya

For respondent : Mrs.S.Bharathy
Government Advocate

ORDER

The petitioner, Mr.R.Premkumar, suffered with departmental proceedings under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955 and was imposed with the punishment of postponement of next increment for one year with cumulative effect, by order dated 19.10.2012, passed by the Superintendent of Police, Thoothukudi District. Aggrieved by the same, the petitioner preferred an appeal before the Deputy Inspector General of Police, Tirunelveli Range and the same was dismissed and the earlier order of punishment was confirmed on 06.03.2013. Thereafter, the petitioner has filed a review application on 17.04.2014 before the Director General of Police (Law & Order), Chennai. However, he has not filed the application seeking review of the earlier order within a period of six months. The respondent has treated the said application as mercy petition.

2. The learned Counsel appearing for the petitioner bringing to the notice of this Court to the proceedings <https://hcservices.mca.gov.in/hcservices/> No.11644 of 2016, dated, 02.04.2016 would submit that the respondent themselves have treated the petitioner's application dated 17.04.2014 as mercy petition and another



communication dated 22.04.2016, in which it has been informed that the same also under consideration, but however they have not passed any order and hence, he seeks a direction to consider the same and pass orders.

3. The learned Government Advocate would submit that when the petitioner has not filed the review application as against the order dated 06.03.2013 passed by the Deputy Inspector General of Police, Tirunelveli Range within a period of six months, he has no right to seek any remedy from this Court to pass any order on the review, because that was treated as mercy petition and that petition will be considered in accordance with law.

4. The letter dated 22.04.2016 shows that the petitioner's mercy petition is under consideration. Hence, there is no impediment for this Court to issue a direction to the respondent to pass order on that petition. Accordingly, the respondent is directed to consider the petitioner's mercy petition and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar (CS)

To
The Director General of Police,
(Law & Order), Chennai.

+1cc to the Special Government Pleader, Sr.No.34511

+1cc to Mr.T.Gopi @ Gopalakrishnan, Advocate, Sr.No.34550

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JM/NGM-MP/SAR-III/13.07.2016/2P-4C

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