



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.13834 of 2016

and

W.M.P (MD) Nos.10314 and 10315 of 2016

V.Indhumathi

... Petitioner

Vs.

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai 600 004.

2.The Deputy Inspector of General of Police,
Law and Order, Ramanathapuram Range,
Ramanathapuram, Sivagangai District.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent herein relating to show cause notice bearing Rc.No.75304/A.P.-IV(2)/2015 dated 16.09.2015 and quash the same and direct the respondents herein to permit the petitioner to join duty as Sub Inspector of Police in Department of Police Manamadurai or such other place and grant the petitioner with all consequential monetary and attendant benefits.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel for
M/s.AL.Ganthimathi

For Respondents : Mrs.S.Bharathi,
Government Advocate.

ORDER

Challenging the show cause notice, dated 16.09.2015 issued by the first respondent, Director General of Police, Chennai, the petitioner has come up with this writ petition.

2.According to the petitioner, she was dismissed from service by an order, dated 10.01.2011, passed by the second respondent, Deputy Inspector General of Police, Law and Order, Ramanathapuram Range, and on appeal to the Additional Director General of Police, the order of dismissal order was modified into

consolidated by proceedings, dated 15.05.2011. Thereafter, on 10.06.2011, the Superintendent of Police, Ramanathapuram District in charge of Sivagangai District, instructed the petitioner to



report for duty before the Deputy Superintendent of Police, Manamadurai Sub Division.

3.It is the claim of the petitioner that when she reported for duty before the Deputy Superintendent of Police, Manamadurai, she was not allowed to join on the premise that a communication permitting her to join duty would be sent soon and till then, she cannot join duty. Even though the petitioner requested the authorities to permit her to join duty by showing the proceedings of the Superintendent of Police, Ramanathapuram District, dated 10.06.2011, they refused to accede to such request. Whiles, the first respondent has issued, the impugned show cause notice, stating that the petitioner has once again committed the offence of desertion and directing her to explain as to why the original punishment as "Dismissal from service" imposed by the Disciplinary Authority/R2 should not be restored on her.

4.Learned Senior Counsel appearing for the petitioner would submit that, without even giving any time to explain her case, the first respondent hurriedly passed the impugned show cause notice, which shows that the first respondent has prejudged the issue and therefore, the same is liable to be interfered with. He would further contend that the petitioner seeks to submit a detailed explanation and therefore, sufficient time may be granted.

5.Learned Government Advocate would submit that the petitioner has already submitted a detailed explanation and if further time is granted as sought for by the petitioner, the matter will only get prolonged.

6.But, this Court is not able to find any justification in the submissions made by the learned Government Advocate for the reason that the petitioner only seeks to give another detailed reply to the show cause notice so that the same can be considered by the first respondent. Therefore, two weeks time is granted to the petitioner to submit a detailed explanation along with other available documents. On receipt of the same, it is open to the first respondent to pass appropriate orders within four weeks thereafter.

7.With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.10314 and 10315 of 2016 are closed.

Sd/-

Assistant Registrar(AS)

/True copy/



To

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai 600 004.

2.The Deputy Inspector of General of Police,
Law and Order, Ramanathapuram Range,
Ramanathapuram, Sivagangai District.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

+1cc to M/s.AL.Ganthimathi, Advocate SR.No.42369
+1cc to Special Government Pleader SR.no.41864

sms

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