



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20346 of 2016

and

W.M.P (MD) Nos.14553 and 14554 of 2016

K.Viswanathan

:Petitioner

Vs.

1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
Home Department (Pol.IV.A),
Fort St. George,
Chennai - 600 009.

2.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 4.

3.The Superintendent of Police,
Trichy District.

4.The Additional Superintendent of Police (PEW),
Trichy District.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in G.O. (2D)No. 199, Home (Pol.IV.A) Department, dated 29.03.2016 and that of the second respondent in his proceedings Rc.No. 60741/AB1(3)/2003, dated 09.06.2003 and that of the fourth respondent in his proceedings P.R.42/2002 dated 12.03.2002 and quash the same and consequently directing the respondents to pay all the service benefits including promotion and other monetary benefits.

For Petitioner

: Mr.S.Bageerathan

For Respondents

: Mr.V.R.Shanmuganathan,
Special Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Ceritiorarified Mandamus, seeking to quash the proceedings of the respondents 1 to 3 dated 29.03.2016, 09.06.2013 and 12.03.2002 respectively and to direct the respondents to pay all the service benefits including promotion and other monetary benefits to the

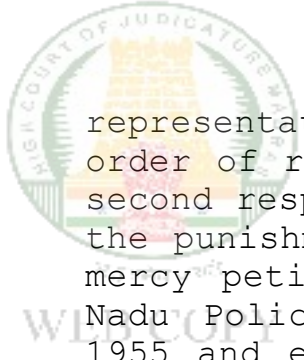


2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

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3. The case of the petitioner is that the petitioner joined in Tamil Nadu Police Service on 01.03.1996 as a Sub Inspector of Police, While he was functioning as Sub Inspector of Police in Thuvankurichi Police Station from 07.11.2001, the petitioner was leave on account of certain family commitment. On 28.10.2001, one Thangavel and Rajasekar had lodged complaint and counter complaint against each other and the same was registered as petitions in CSR.Nos.121 and 122 of 2001 by one Mr.V.Raman, Special Sub Inspector of Police, Thuvankurichi Police Station. The parties had been directed to appear before the Inspector for the enquiry on 04.11.2001 and the enquiry was being conducted by the Inspector of Police and Special Sub Inspector. After enquiry, a settlement was arrived at and on the basis of the settlement, the complaints were closed. It is stated that the Inspector of Police and the Special Sub Inspector were directly handling the matter. This fact is confirmed as per the entries made in the General Diary maintained in the Police Station. The Enquiry Officer has also miserably failed to enquire the Inspector of Police. Thereafter, complaint and counter complaint were filed afresh on 09.11.2011 and on the basis of the same, cases in Crime Nos.234 and 235 of 2001 were registered. As the petitioner was on leave from 27.11.2001 to 28.11.2001, the fourth respondent issued a charge memo in P.R.No.42 of 2002, dated 12.03.2002, wherein it was alleged that the petitioner, on return of leave on 29.10.2001, failed to direct the Special Sub Inspector to register criminal cases in respect of CSR Nos.121 and 122 of 2001 and thereby called upon to submit his reply. He submitted a reply dated 31.03.2012. Thereafter, the fourth respondent conducted enquiry and came to the conclusion that the petitioner committed the offence of slack supervision and thereby concluded that the charges were proved against him and the third respondent also, agreeing with the conclusion arrived at by the fourth respondent, ordered postponement of next increment for a period of one year without cumulative effect. Against the same, an appeal was filed before the second respondent and the second respondent also mechanically passed an order confirming the order passed by the third respondent, against which, he filed a mercy petition and the same was also rejected, vide order, dated 09.06.2003. Thereafter, he filed another mercy petition to the first respondent, which was also, dismissed by the first respondent. Therefore, this writ petition has been filed.

<https://hcservices.hcourtsgov.in/hcservices> 4. The learned Special Government Pleader would submit that even though the time for preferring appeal is one month, the petitioner has not preferred any appeal in time and therefore the



representation submitted by the petitioner was considered and the order of rejection was passed on 09.06.2003 and in the order, the second respondent has stated that appeal was not preferred against the punishment so far and therefore the petition was treated as a mercy petition and order was passed under 15(A)(1)(ii) of Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 and even thereafter, no steps were taken and the petitioner submitted a representation on 07.01.2015 and the same was also considered by the first respondent and thereafter passed an order rejecting the request made by the petitioner.

5.The learned counsel for the petitioner would submit that the petitioner's representation was kept pending for a period of 15 years. But, absolutely there is no material to show that the representation was kept pending for such a long time. It is seen from the records that on every time, the petitioner filed representation and the same was considered by the department and orders have been passed. Under such circumstances, this Court finds no merit in the writ petition and accordingly this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1.The Principal Secretary to Government,
Home Department (Pol.IV.A),
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
- 2.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 4.
- 3.The Superintendent of Police,
Trichy District.
- 4.The Additional Superintendent of Police (PEW),
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+1cc to M/s.S.Bageerathan, Advocate in SR.63471

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