

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.973/2017

Rajesh Kumar

..Petitioner

Vs

The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider and pass orders on the mercy petition submitted by the petitioner dated 11.01.2016 challenging the order passed by the Commandant, Tamil Nadu Special Police IV Battalion, Kovaipudur in PR.No.48/2014 dated 27.11.2014 on merit and in accordance with law within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.K.Dhananjayan SPL.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner, while working as a Police Constable, attached to the Tamil Nadu Special Police IV Battalion, F Company, and had camped at Mettur Thermal Power Station, was leveled with an allegation that he attempted to commit suicide and thereby, violated the Subordinate Officers' Conduct Rule 16[1][i] and also left a suicidal note and in this regard, a case in Cr.No.492/2014 was registered by the Inspector of Police, Karumalaikoodal Police Station, Salem District and

the case, after investigation, had culminated in a charge sheet, which was taken on file in CC.No.200/2014 and after full-fledged trial, he was acquitted vide judgment dated 03.12.2015. The petitioner was also proceeded Departmentally and the order of removal from service was passed against him. The petitioner, in this regard, has also submitted a Mercy Petition to the respondent stating that the criminal prosecution, on similar facts and circumstances, had ended in acquittal and therefore, prays for his reinstatement in service with consequential benefits and since the said Mercy Petition have not been given disposal, he came forward to file the present writ petition.

3 Heard the submissions of Mr.M.Muthappan, learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondent.

4 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent herein to consider and dispose of the petitioner's Mercy Petition dated 11.01.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To
The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.

+1cc to Mr.M. Muthappan, Advocate, S.R.No.3240
+1cc to the Government Pleader, S.R.No.3553

sr(CO)
md(02/02/2017)

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