

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-03-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P Nos.30320 to 30323 of 2013

M.Umayasakthi .. Petitioner in all WPs

Vs

1.THE DIRECTOR GENERAL OF POLICE
DR. RADHAKRISHNAN SALAI
MYLAPORE, CHENNAI - 4.

2.THE SUPERINTENDENT OF POLICE
RAMANATHAPURAM ,
RAMANATHAPURAM DISTRICT.

.. Respondents in all
WPs

3.THE DEPUTY SUPERINTENDENT OF POLICE
KAMUTHI SUB DIVISION
RAMANATHAPURAM DISTRICT.

... 3rd respondent in WP
No.30320/2013

4.THE ADDITIONAL SUPERINTENDENT OF POLICE
DISTRICT CRIME RECORDS BUREAU
RAMANATHAPURAM
RAMANATHAPURAM DISTRICT

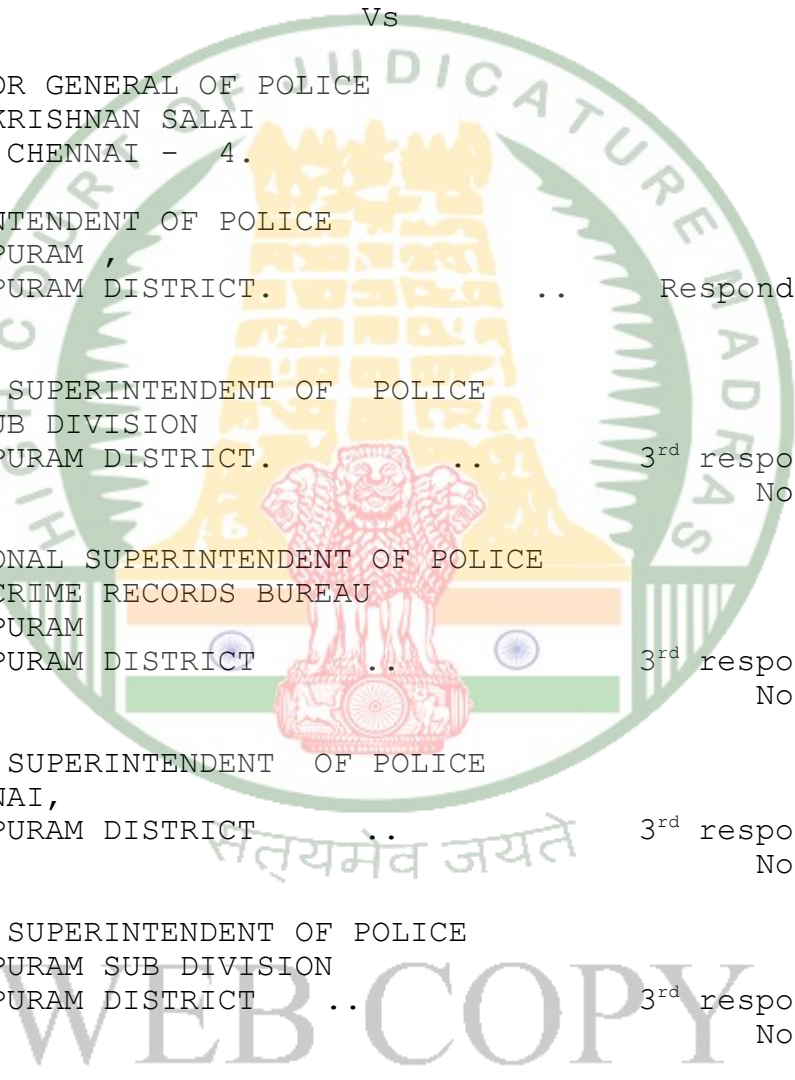
... 3rd respondent in WP
No.30321/2013

5.THE DEPUTY SUPERINTENDENT OF POLICE
THIRUVADANAI,
RAMANATHAPURAM DISTRICT

... 3rd respondent in WP
No.30322/2013

6.THE DEPUTY SUPERINTENDENT OF POLICE
RAMANATHAPURAM SUB DIVISION
RAMANATHAPURAM DISTRICT

... 3rd respondent in WP
No.30323/2013



Prayer in WP No.30320/2013 :- Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the impugned proceedings of the 1st respondent in his proceedings in Na. Ka. No.245629/Mey. Mu.1(2)/2011 dt 27.2.2013 confirming the order of the 2nd respondent in his proceeding in F1/P.R. No. 46 of 2002 dt 25.5.2004 and quash the same and consequently give the suitable promotion to the petitioner with all attendants benefits.

Prayer in WP No.30321/2013 :- Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the impugned proceedings of the 1st respondent in his proceedings in Rc. No.113949/AP1(2)/2009 dt 2.8.2009 confirming the order of the 2nd respondent in his proceeding in PR No.63 of 1995 dt 16.2.1997 and quash the same and consequently give the suitable promotion to the petitioner with all attendants benefits.

Prayer in WP No.30322/2013 :- Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the impugned proceedings of the 1st respondent in his proceedings in Rc. No.113947/AP1(2)/2009 dt 2.8.2009 confirming the order of the 2nd respondent in his proceeding in PR No.72 of 2000 dt 17.2.2001 and quash the same and consequently give the suitable promotion to the petitioner with all attendants benefits.

Prayer in WP No.30323/2013 :- Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the impugned proceedings of the 1st respondent in his proceedings in Na. Ka. No. 245634/Mey. Mu. 1(2)/2011 dt 11.2.2013 confirming the order of the 2nd respondent in his proceeding in PR No.93 of 2000 dt 4.5.2001 and quash the same and consequently give the suitable promotion to the petitioner with all attendants benefits.

For Petitioner : Mr.K.K.Ramakrishnan
in all WPs

For Respondents: Mr.Venkatramani,
in all WPs Addl.Advocate General
assisted by Mr.P.Sanjay Gandhi
Additional Govt. Pleader

COMMON ORDER

The delay is fatal in all these cases. The petitioner joined the respondent police on 17.01.1986 as a Grade II Police Constable in the Kamuthu Special Reserve Police and subsequently promoted as Head Constable and now working in Abiramam Police Station, Ramanathapuram District. The petitioner deserted himself from duty four times and he was charged for desertion. Following is the tabular column showing the period of desertion, date of punishment and the mercy petition filed by the petitioner.

Srl.No.	Date of Absent	Desertion order	Final Desertion order	Date of mercy petition	Dismissal date of mercy petition
1	01.02.1995 to 21.02.1995	05.04.1995	16.02.1997	30.06.2009	02.08.2009
2	08.03.2000	11.05.2000	22.02.2001	30.06.2009	02.08.2009
3	03.07.2000 to 23.07.2000	14.11.2000	04.05.2001	31.12.2010	11.02.2013
4	05.06.2002	25.05.2004	31.11.2011	31.11.2011	27.02.2013

2. From the above, it is very clear that the petitioner, after suffering orders, almost after a period of five (5) years, preferred mercy petitions, without availing other statutory remedies, except in W.P No.30321/2013. When the punishments have reached finality, the same cannot be revived by filing belated mercy petitions for getting an order and the same cannot be challenged before this Court.

3. Though the rejection order passed in mercy petitions does not speak about delay, the facts would undoubtedly prove the latches on the part of the petitioner. Therefore, the petitions are liable to be dismissed. That apart, the police force is a disciplinary force and even absent of one member of the force would go against the public interest. So no leniency could be shown.

4. In the result, these writ petitions are dismissed. No costs.

-s/d-
Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

To

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RAMANATHAPURAM DISTRICT

+4 ccs to Mr.K.K.Ramakrishnan Advocate sr 18139

+1 cc to the Government Pleader High Court Madras sr 18288

W.P Nos.30320 to 30323 of 2013

br(co)
aa12/04/2017