

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2017

Coram

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.9616 of 2012

P.Ranganayaki

.. Petitioner

vs.

Director General of Police,
Chennai 600 004.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to consider and pass orders on merits and in accordance with law on the representation of the petitioner dated 24.01.2011 with regard to reinstatement into service, as done in the case of one Mr.P.Karunanithi, Ex.PC 1807 of Trichy District in Rc.No.AP.IV (1)/235320/2006, dated 22.03.2007, within a time-frame as deem fit and proper.

For Petitioner : Mr.G.Bala and Daisy
For Respondents : Mr.A.Zakir Hussain,
Government Advocate

ORDER

The prayer in the writ petition is for a Writ of Mandamus directing the respondent herein to consider and pass orders, on merits and in accordance with law, on the representation of the petitioner dated 24.01.2011 with regard to reinstatement into service, as done in the case of one Mr.P.Karunanithi, Ex.PC 1807 of Trichy District in Rc.No.AP.IV(1)/235320/2006, dated 22.03.2007, within a time-frame as deem fit and proper.

2. The short facts of the case is that the petitioner, based on a disciplinary proceedings initiated against her, had been inflicted with the punishment of removal from service, by an order dated 01.06.2007, passed by the disciplinary authority, namely, Superintendent of Police, Perambalur District, as against which, the petitioner had filed a mercy petition before the Head of the Department, namely, Director General of Police, i.e., the first respondent herein on 24.01.2011.

2.1. The said mercy petition, till date, has not been considered and no orders have been passed.

2.2. Hence, the petitioner has approached this Court by way of this writ petition with the aforesaid prayer in the year 2012.

3. Heard both sides.

4. Mr.Bala, learned counsel appearing for the petitioner, would submit that for the absence of 21 days, that too, on medical grounds, the Disciplinary Authority, having simply accepted the report of the Enquiry Officer, without appreciating the reasoning on the part of the petitioner in a proper perspective, inflicted the maximum punishment of removal of service, whereas, in a similar circumstance, the case of another delinquent, on a same set of facts, had been considered by the orders of the respondent dated 22.03.2007, where, he was reinstated into service.

4.1. Therefore, learned counsel for the petitioner would submit that in the light of the said gesture shown by the very same respondent in the case of the similarly placed person, the petitioner's request may also be considered by deciding the mercy petition filed by her on 24.01.2011 and an order to that effect can be passed within a time frame to be fixed by this Court.

5. Heard Mr.A.Zakir Hussain, learned Government Advocate, in this regard.

6. Since the petitioner's mercy petition, admittedly, is pending for consideration before the respondent for several years, that is, from 24.01.2011, this Court is inclined to dispose of this writ petition with the following direction :

- (1) That the respondent is directed to consider the representation / mercy petition of the petitioner dated 24.01.2011 and decide the same on merits and in accordance with law and pass a final orders thereon.
- (2) While making such consideration, the respondent shall also take into account the punishment awarded against the petitioner, that is, removal from service, which was inflicted on her for the absence of duty for 21 days, and in this regard, the petitioner has given medical grounds, and also taking into account the fact that in a similar circumstance, consideration has been shown by the respondent and the said incumbent had been reinstated into service by an order passed by the respondent on 22.03.2007.
- (3) The above exercise shall be completed by the respondent and an order to that effect shall be passed and be communicated to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7. With these directions, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg

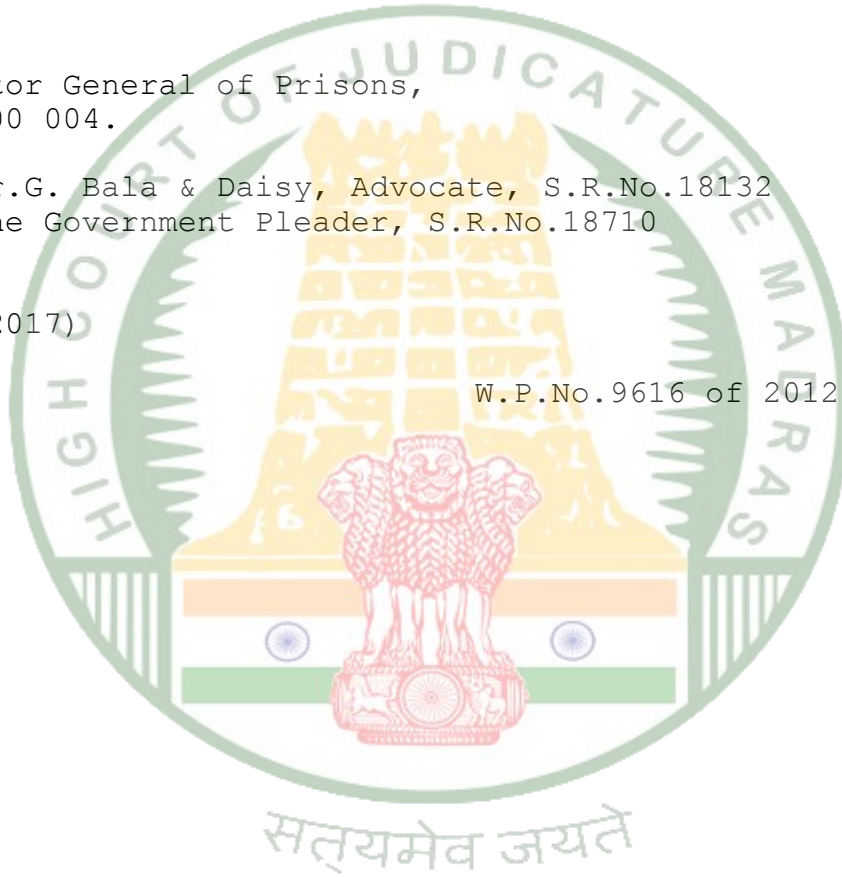
To

The Director General of Prisons,
Chennai-600 004.

+lcc to Mr.G. Bala & Daisy, Advocate, S.R.No.18132
+lcc to the Government Pleader, S.R.No.18710

GMI (CO)
md(25/04/2017)

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