

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1848/2017

E.Annaselvam .. Petitioner

Vs

1.The Secretary to the Government
Home [Police VI] Department
Fort St George, Chennai-9.

2.The Director General of Police
Mylapore, Chennai.

3.The Additional Director General of Police
Mylapore, Chennai.

4.The Commissioner of Police
Madurai City, Madurai. .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to consider the petitioner's Mercy Petition dated 08.07.2013 by taking into consideration the order of this Court made in WP.no.14066/2010 dated 20.02.2014 within the stipulated time.

For Petitioner : Mr.A.Thamizharasan

For RR 1 to 3 : Mr.K.Dhananjayan, Spl.GP

ORDER

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

2 The petitioner was proceeded departmentally in PR.No.24/2003 under Rule 3[b] of the Tamil Nadu Police Subordinate Services [Discipline and Appeal] Rules and the Disciplinary Authority, viz., the Deputy Inspector General of Police, Madurai Range, In-charge of Commissioner of Police, Madurai City, has imposed the punishment of reduction in his pay by three stages for three years with cumulative effect. The petitioner, challenging the legality of the punishment, filed an appeal before the 3rd respondent, who vide order dated 10.04.2004, has modified the punishment into one of reduction in pay by one stage for a period of one year without cumulative effect. The petitioner also filed a review petition before the 2nd respondent and it was rejected on 07.10.2004. The petitioner, thereafter, filed a Mercy Petition to the 1st respondent praying for setting aside the modified punishment awarded by the 2nd respondent and though it was received and acknowledged, no orders have been passed and hence, the petitioner submitted a

representation dated 12.12.2016 to the 1st respondent and since no response is forthcoming, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that in similar facts and circumstances, one N.Rajendran, has moved the Madurai Bench of this Court and filed WP [MD] No.14066/2010 and the Madurai Bench of this Court, vide order dated 20.02.2014, has treated the period of suspension of the petitioner therein as duty period and disbursed all the retiral benefits to him and therefore, sympathy may be shown to the petitioner's case also and prays that appropriate orders may be passed.

4 Per contra, Mr.K.Dhananjayan, learned Special Government Pleader, appearing for the respondents would contend that the modified order of punishment came to be passed as early as on 07.10.2004 and the petitioner, who is at the verge of retirement, has approached this Court belatedly, nearly after 13 years and therefore, his claim is hit by delay and laches and would further contend that the petitioner, as a matter of right, cannot seek for a direction, directing the 1st respondent to dispose of his mercy petition and prays for dismissal of

this writ petition.

5 This Court has considered the rival submissions and also perused the typed set of documents.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 12.12.2016 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

25.01.2017

Index : No
Internet : Yes

AP

To

- 1.The Commissioner of Police
O/o.The Commissioner of Police
EVK Sampath Salai, Vepery
Chennai 600 007.
- 2.The Joint Commissioner of Police
O/.The Joint Commissioner of Police
Madhavaram, Chennai.

M.SATHYANARAYANAN, J.,
AP

W.P.No.1848/2017

25.01.2017

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