

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19384 of 2017

P.Vijayan(PC - 643),
S/o.K.Pandu,
A-4/3, Police Quarters,
Muthuvinayagar Street,
Thiruvannamalai - 606 601. ..Petitioner

Versus

1. The Government of Tamil Nadu,
Rep.by its Secretary to Home Department,
Fort St.George,
Chennai - 600 009.
2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai. ..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to consider and dispose the mercy petition within a stipulated time which was filed before him on 26.04.2017 by the petitioner.

For Petitioner :Mr.A.Rajaram

For Respondents :Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The punishment of "Postponement of the next increment of the writ petitioner for three years affecting the future increments" was imposed by the respondents in proceeding dated 21st March, 2013. Against the order of punishment, the writ petitioner preferred an appeal before the Deputy Inspector General of Police and the same was also rejected in proceeding dated 15.05.2013. Thereafter, the writ petitioner preferred further appeal before the Director General of Police on 22.03.2016. Considering the appeal, the Director General of Police, passed an order on 9th January, 2017, taking a lenient view modified the punishment into that of postponement of increment for a period of 3 years, which shall not operate to postpone his future increments. Thus, the original punishment granted by the disciplinary authorities was reduced by way of modification by the Director General of Police in proceeding dated 9th January, 2017. Instead of challenging these orders, the writ petitioner filed a mercy petition before the Secretary to Government, Home Department on 26.04.2017. The mercy petition is pending before the first respondent.

2. The learned counsel for the writ petitioner contended that a direction is to be issued to the 1st respondent to consider the mercy petition. This Court is of the opinion that when the Statutory appeal filed by the writ petitioner is rejected, this Court cannot direct the 1st respondent to consider the mercy petition. It is left open to the 1st respondent to consider the same on merits and in accordance with law. Thus, no such direction as sought for in this writ petition can be granted. However, if the 1st respondent deems it fit and proper to consider the mercy petition submitted by the writ petitioner, he is at liberty to do so in accordance with the rules.

3. With these observations, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Home Department,
The Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

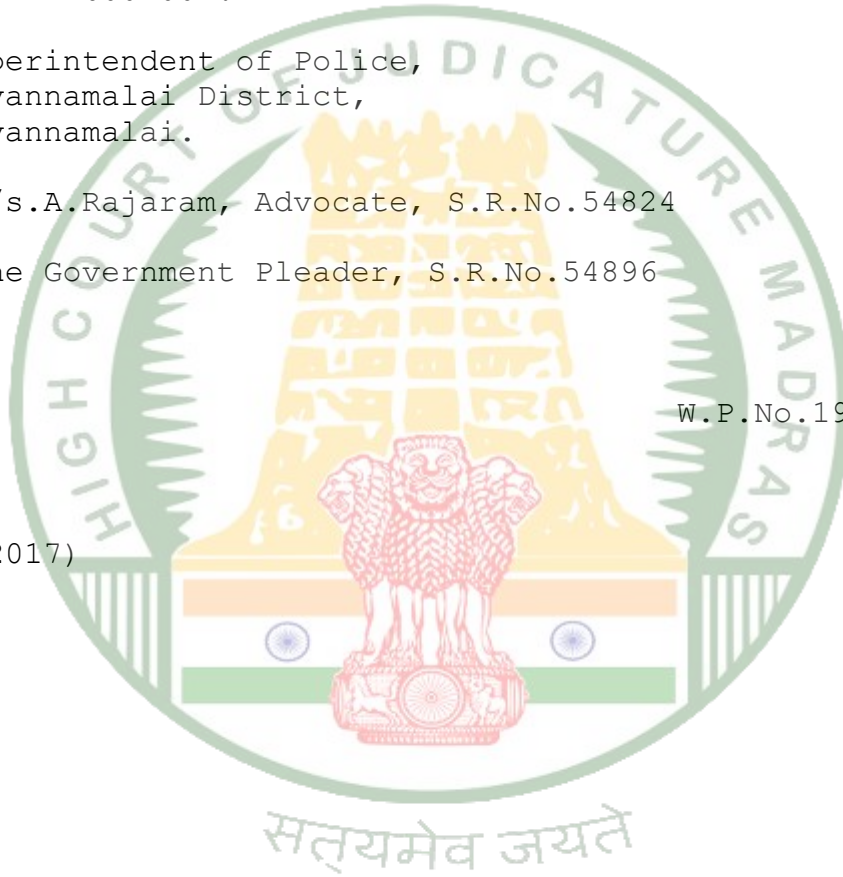
3. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

+1cc to M/s.A.Rajaram, Advocate, S.R.No.54824

+1cc to the Government Pleader, S.R.No.54896

W.P.No.19384 of 2017

PVS (CO)
CU (30/08/2017)



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