

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40421 of 2015

V.Mohanraj

..Petitioner

Vs

1.The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore-641 018.

2.The Director General of Police,
Mylapore,
Chennai 600 004.
Tamil Nadu.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing to dispose of the representation dated 21.07.2015 within a specified time frame.

For Petitioner : Mr.C.Deivasigamani

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the representation submitted by the writ petitioner on 21.07.2015.

2. The writ petitioner was working as Inspector of Police and placed under suspension in proceedings of the year 2010. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner continues to be under suspension for about seven years right from the year 2010 and prolonged suspension is bad in law. Contrarily, the writ petitioner may be re-instated in service and posted in any one of the non-sensitive post. In this regard, he made a representation to the second respondent on 21.07.2015, which may be considered in accordance with law.

3. The learned Special Government Pleader made a submission that the writ petitioner has been charge sheeted and Disciplinary Action was initiated for the charges for forcibly and coercively obtaining about Rs.2.95 crores from the Directors of Pazzee Forex Trading Company, who are arrayed as accuseds in the criminal case, and the criminal case against the writ petitioner is also pending and therefore, it may not be necessary reasonable to consider the representation.

4. However, this Court is of the view that merits and demerits shall be considered by the respondent and decision can be arrived, and the same can be communicated to the writ petitioner. Once, an appeal or representation is submitted by an aggrieved person, then, the normal expectation is to get a reply on the appeal or representation. Thus, the respondents are duty bound to provide information with regard to the decision taken by the department. This being the factum, this Court is of the view that the second respondent shall consider the representation of the petitioner, on the facts and circumstances of the case and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Deputy Inspector General of Police
Coimbatore Range
Coimbatore 641 018.

2.The Director General of Police
Mylapore
Chennai 600 004.
Tamil Nadu.

+lcc to Mr.C.Deivsigamani, Advocate, S.R.No.68098

+lcc to the Government Pleader, S.R.No.68348

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GN(26/10/2017)