



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2017

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHANW.P.(MD) No.3165 of 2017

WEB COPY

M.Rajasekaran

... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai - 600 004.

2.The Additional Director General of Police,
(Law and Order),
Office of the Director General of Police,
Mylapore, Chennai - 600 004.

3.The Commissioner of Police,
Madurai City,
Madurai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to reinstate the Petitioner in service with all service benefits following the procedure stated in the Police Standing Order 67 within the time stipulated by this Court.

For Petitioner : M/s.G.Marimuthu

For Respondents : Mr.K.P.Krishnadoss
Govt.Advocate

O R D E R

This Writ Petition has been filed, seeking a direction to the respondents to reinstate the Petitioner in service with all service benefits following the procedure stated in the Police Standing Order 67 within the time stipulated by this Court.

2.Mr.K.P.Krishnadoss, learned Government Advocate takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The Petitioner has submitted that the Petitioner is facing a criminal case before the trial Court and he was found guilty by the trial Court. Pursuant to that, a Criminal Appeal is filed before the Principal District Court, Dindigul and the said Court also confirmed the conviction and sentence imposed by the Trial Court.



Court. The Petitioner also filed a Criminal Revision before this Court in CrI.R.C(MD)No.303 of 2013 and in that revision petition, sentence imposed by the Court below was set aside and hence the issue has now attained finality. The Petitioner has submitted that once there is an order of acquittal acquitting the Petitioner from all the charges, the respondents will have to reinstate the employee/Petitioner in terms of Police Standing Order 67 and that he has made a representation on 18.7.2016 to the second respondent and the same is still pending.

4.Mr.K.P.Krishnadoss, learned Government Advocate appearing for the respondents would submit that the Petitioner was removed from service based on the conviction and the Petitioner has earlier filed W.P.No.8496 of 2013 and the same is pending before this Court. The pendency of the Writ Petition will not preclude the respondents from passing orders on merits taking into account the Police Standing Orders if the rule permits and that on acquittal, the Petitioner should be reinstated and undertakes that the Petitioner will be reinstated in accordance with law.

5.In view of the submission, the second respondent is directed to consider the representation of the petitioner, dated 18.7.2016 and to pass appropriate orders on the same in accordance with law, within a period of two months from the date of receipt of a copy of this order, preferably on or before 31.05.2015, if there is no other legal impediment to do so. No costs.

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai - 600 004.
- 2.The Additional Director General of Police,
(Law and Order),
Office of the Director General of Police,
Mylapore, Chennai - 600 004.
- 3.The Commissioner of Police,
Madurai City,
Madurai.

+1cc to The Special Government Pleader, SR No.10485

+1cc to M/S G.Marimuthu, Advocate, SR No.10450

W.P.(MD) No.3165 of 2017

23.02.2017