

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2018

Coram

THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

Writ Petition No. 23064 of 2018

and

W.M.P.No. 26950 of 2018

K.Selvam

...Petitioner

Vs.

1. The Director General of Police,
Police Head Quarters,
Chennai.

2. The Superintendent of Police,
Namakkal District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondent No. 2 to consider the representation dated 05.07.2017 and to place the petitioner in the original seniority list of 1993.

For Petitioner : M/s. M.T.Arunan

For Respondents : Mrs. R.Janaki,
Additional Government Pleader.

ORDER

Heard, M/s.M.T.Arunan, the learned counsel appearing for the petitioner and Mrs. R.Janaki, learned Additional Government Pleader appearing for the respondents, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal at the stage of admission.

2. The case of the petitioner is that he was appointed as Police Constable Grade II in the year 1993 in the respondent Police Department. However, during continuance of his service, he being indicted in a criminal case, a departmental proceeding was also initiated against him grounded on the self same charge in the criminal case. The petitioner was given the benefit of doubt in the criminal prosecution. Thereafter, in departmental proceeding, though he has made a prayer to drop the departmental

proceeding, as the same was grounded on the self same charge, but the same was not found favour with and in the departmental proceeding, for such delinquency, he was awarded with the punishment of reduction of pay for one year without cumulative effect on 23.03.2009. Thereafter, the petitioner preferred appeal against the same and the Mercy Petition was rejected. However, his suspension period has been treated to allow leave as admissible. Then, he made several representations from the year 2011 till 2017 to restore his seniority. But, the same having evoked no response, he has filed this Writ Petition challenging such inaction of the respondents seeking a direction to take a decision on his representation, as, according to the petitioner, in similar circumstances, others have been given such benefit of restoration of seniority.

3. The learned counsel appearing for the petitioner submits that since the petitioner's representations have not been considered, the Writ Petition may be disposed of giving a direction to the respondents to consider his representation and take a decision on the same within a stipulated period.

4. The Learned Additional Government Pleader appearing for the respondents, however, submits that the petitioner being found guilty in the departmental proceeding has no case, and as such, the Writ Petition is liable to be dismissed.

5. Be that as it may, since the limited prayer of the petitioner is to consider his representation, this Court without expressing any opinion on the merit of the such representation, inasmuch as, the same has not been examined by this Court, disposes of this Writ Petition at the stage of admission, with a direction to the respondents, more particularly, the second respondent to take a decision on such representation of the petitioner if not already taken in accordance with law within a period of six weeks from the date of receipt of the copy of this order. No Costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mrn

To

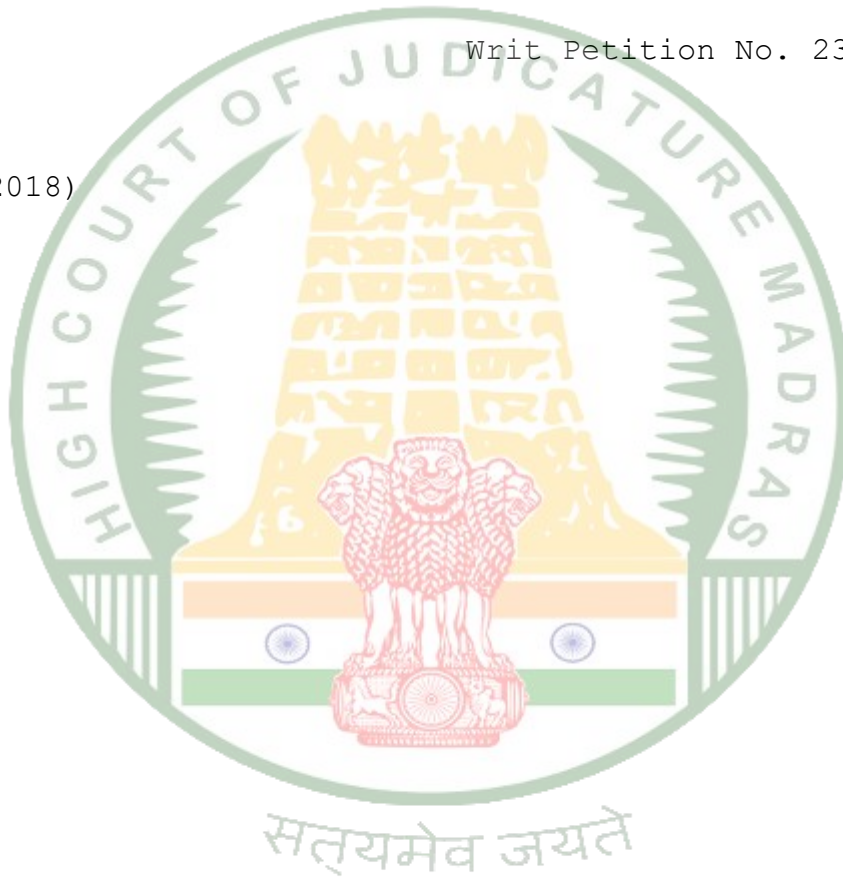
1. The Director General of Police,
Police Head Quarters,
Chennai.

2. The Superintendent of Police,
Namakkal District.

+ 1 cc to Mr. M.T. Arunan, Advocate sR.61563
+ 1 cc to Mr. Government Pleader Sr.61775

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(CS-V)
EU(28/09/2018)



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