

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.10.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.28520 of 2018 and
W.M.P.No.33268 of 2018

M.Ramanathan

....Petitioner

Vs

1. Government of Tamil Nadu,
Represented by Additional Chief Secretary
to Government,
Home (Police) Department,
Secretariat, Chennai - 600 009
2. The Director General of Police,
Chennai-600 004,
Tamil Nadu.
3. The Inspector General and Commissioner of Police,
Salem City Police,
Salem
4. The Deputy Commissioner of Police,
Law and Order,
Salem City Police,
Salem

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the order in (1) Rc.No.080128/AP.2(2)/2015 dated 05.12.2016 of the second respondent (2) C.No.Appl.03/H1/2010 dated 07.08.2010 of the third respondent (3) PR.No.16/H1/09 dated 20.11.2009 of the fourth respondent, to quash the same and to issue directions to the respondents to restore the petitioner's pay as it was on 20.11.2009 and to grant consequential service and monetary benefits including promotion and grant all consequential service and monetary benefits.

For Petitioner : Mr.M.Ravi

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

ORDER

The grievance of the petitioner is that he along with one Mr.P.Arumugam, faced a disciplinary proceeding wherein an order of punishment of reduction in rank was passed against him and so also co-delinquent for the delinquency. The appeal and the mercy petition of the co-delinquent having been dismissed, the co-delinquent filed a writ petition before this Court in W.P.No.1420 of 2012 (P.Arumugam Vs. The Inspector General and Commissioner of police, Salem City Police, Salem and another), wherein the order of finding him guilty and consequential punishment were quashed. Thereafter, the petitioner whose appeal was dismissed, filed a mercy petition to revisit the finding in the disciplinary proceeding taking into account the aforesaid facts and situations, which is yet to be disposed of. Hence, he has come to this Court seeking to quash the order of punishment and issue direction to the respondents to reinstate him into service with all consequential service and monetary benefits.

2. The learned counsel appearing for the petitioner, submits that since the mercy petition of the petitioner is pending, the respondents be directed to dispose of such petitionn in a time bound manner.

3. The learned Additional Government Pleader appearing for the respondents, submits that the respondents shall have no objection to dispose of such petition of the petitioner within the time stipulated by this Court.

4. Hence, regard being had to the facts and submissions made, especially the relief sought for, this Court dispose of this writ petition at the stage of admission without seeking any reply affidavit with a direction to the first respondent to take an informed and considered decision on the mercy petition of the petitioner, if the same is pending and there is no legal impediment to dispose of the same, taking note of the fact that his co-delinquent stated to have already been exonerated pursuant to the order of this Court passed in the W.P.No.1420 of 2012 and the charges against them arises of the same transaction and also the same, within a period of six weeks from the date of receipt of a copy of this order. However, copy of such order of the aforesaid writ petition be furnished along the copy of this order to the first respondent.

5. With the aforesaid order, the writ petition stands disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

lok

To

1. The Additional Chief Secretary
to Government,
Government of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai - 600 009
2. The Director General of Police,
Chennai-600 004,
Tamil Nadu.
3. The Inspector General and Commissioner of Police,
Salem City Police,
Salem
4. The Deputy Commissioner of Police,
Law and Order,
Salem City Police,
Salem

+1cc to Mr.M.Ravi, Advocate SR.No.74125

+1cc to Government Pleader SR.No.74860

W.P.No.28520 of 2018

MP (CO)

GMV (28/11/2018)

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