

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32390 of 2018

S.Muthu Manikandan

....

Petitioner

Vs

Director General of Police
Chennai - 600 004.

.....

Respondents

For Petitioner : M/s.G.Bala and Daisy
For Respondents : Mr.A.N.Thambidurai,
Special Govt.Pleader

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent herein to consider and pass orders on merits and in accordance with law on the representation of the petitioner dated 22.08.2017 with regard to reinstatement into service on account of his acquittal in C.C.No.82/2016 under Section 147,294 (b), 323, 506 (ii) IPC by the learned Judicial Magistrate, Lalgudi dated 27.07.2017 within a time frame as deem fit and proper by this Honourable court.

O R D E R

Petitioner, who was working in Tamil Nadu Special Police Youth Brigade, was terminated from service on account of his involvement in a criminal case (in Crime No.82/2016) registered under Sections 147. 294(b), 323 and 506(ii) IPC pending on the file of the learned Judicial Magistrate, Lalgudi. Later on, he was acquitted by the order dated 27.07.2017. Pointing out that the criminal case has ended in acquittal, the petitioner has submitted a representation to the respondent dated 22.08.2017, seeking to revoke the order of termination. As the same has not been considered, the petitioner has filed the present writ petition.

2. Mr. A.N.Thambidurai, learned Additional Government Pleader takes notice on behalf of the respondents. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Needless to point out that once the termination is on the basis of the pending criminal case and when the same ended in acquittal, the termination order ought to have been revoked by the respondent. Despite the fact that the petitioner has approached the respondent in this regard by way of a representation dated 22.08.2017, the respondent has not passed any further order. It is the bounden duty of the respondent to consider the representation of the petitioner, in the light of the judgment of acquittal.

4. Accordingly, the respondent is hereby directed to consider the representation of the petitioner dated 22.08.2017, in the light of the order dated 27.07.2017 passed in C.C.No.82 of 2016 by the learned Judicial Magistrate, Lalgudi, and pass orders thereon, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

KST

To

Director General of Police
Chennai - 600 004.

+lcc to Mr.G.Bala Daisy, Advocate, S.R.No. 84591
+lcc to the Government Pleader, S.R.No. 85460

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