

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 22.06.2018****CORAM :****THE HONOURABLE MR.JUSTICE R.SURESH KUMAR****W.P (MD) No.13289 of 2018****WEB COPY**

N.Nagarajan

... Petitioner

Vs.

1. The Secretary to Government,
Home (Pol.IV) Department,
Secretariat,
Chennai - 600 009.

2. The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

3. The Commissioner,
Tribunal for Disciplinary Proceedings,
Collectors' Office Campus,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to consider and pass final orders on the petitioner's further representation made before him through proper channel dated 07.08.2017 as well as the Additional representation through proper channel dated 06.11.2017 in deviated view taken by the Government in the enquiry report submitted by the 3rd respondent herein in T.D.P.No.13/2012 dated 19.12.2016 within a time frame fixed by this Court. within the time limit that may be stipulated by this Court.

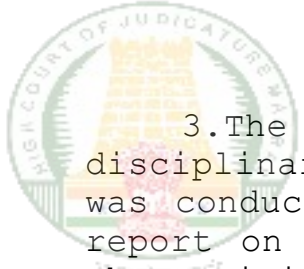
For Petitioners : Mr.B.Brijesh Kishore

For Respondents : Mr.M.Murugan, Govt. Advocate

ORDER

The prayer sought for in this writ petition is for a writ of mandamus, directing the first respondent herein to consider and pass final orders on the petitioner's further representation made before him through proper channel dated 07.08.2017 as well as the Additional representation through proper channel dated 06.11.2017 in deviated view taken by the Government in the enquiry report submitted by the 3rd respondent herein in T.D.P.No.13/2012 dated 19.12.2016 within a time frame fixed by this Court.

2.Heard Mr.B.Brijesh Kishore, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.



3.The petitioner is an Inspector of Police, against whom, disciplinary proceeding was initiated, pursuant to which, enquiry was conducted and after conducting enquiry, enquiry officer filed report on 19.12.2016, wherein, out of two charges framed against the petitioner, the enquiry officer stated that one charge was not proved and another charge was partly proved. However, on receipt of enquiry report, the first respondent, who is the disciplinary authority wanted to take a different view. Therefore, in order to give an opportunity to the petitioner i.e. the delinquent, he had been permitted to give his further representation. Accordingly, the petitioner had given further representation to the disciplinary authority on 16.06.2017 and 07.8.2017. Thereafter, additional representation also was submitted on 06.11.2017. Though all these representations had been given by the petitioner to the first respondent disciplinary authority, the said authority has not so far taken any final decision and no order so far has been passed. Therefore, the petitioner is before this Court.

4.I have heard the learned counsel appearing for the petitioner, who would submit that based on the said further representation, if a direction is given to the first respondent to decide the issue at an early date, within a time frame, that may be stipulated by this Court. the petitioner would be satisfied.

5.I have heard the learned Government Advocate, appearing for the respondents, who would submit that, pursuant to the enquiry officer's report, further representation sought for and further representation and additional representation since have been given by the petitioner, the first respondent, who is the disciplinary authority, would consider the same on merits and would pass orders, within a time frame.

6.Considering the said submissions made by both sides, this Court is inclined to pass the following order:

"The first respondent is directed to consider the further representation and additional representation given by the petitioner on 16.06.2017, 07.08.2017 and 06.11.2017 and pass orders thereon, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to Government,
Home (Pol.IV) Department,
Secretariat,
Chennai - 600 009.

2. The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

3. The Commissioner,
Tribunal for Disciplinary Proceedings,
Collectors' Office Campus,
Nagercoil, Kanyakumari District.

+1cc to Mr.B.Brijesh Kishore, Advocate Sr.No.69438

+1cc to The Spl. Government Pleader Sr.No.69408

ARUL

VB/RSK/SAR1/11.07.2018/3P/6C

W.P (MD) Nos.13289 of 2018
22.06.2018