



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.15946 of 2018

R.Kathiravan

... Petitioner

Vs.

- 1.The Director General of Police,
Tamilnadu Police Headquarters,
Chennai.
- 2.The Inspector General of Police,
Armed Police, Trichy Range,
Trichy District.
- 3.The Commandant,
Tamilnadu Special Police, I Battalion,
Trichy District.
- 4.The Inspector of Police,
Motor Transport Group,
Tamilnadu Special Police, I Battalion,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's mercy petition dated 07.05.2018 pending on the file of the first respondent to set aside the order passed by the second respondent in C.A2/Appea-16/2018, dated 13.04.2018 and consequential impugned order passed by the third respondent in C.No.E2/PR.44/2017/ in B.O.No.202/2018, dated 15.02.2018 within a time stipulated by this Court.

For Petitioner : Mr.J.Vijayaraja

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus directing the first respondent to consider the petitioner's mercy petition dated 07.05.2018 pending on the file of the first respondent to set aside the order passed by the second



respondent in C.A2/Appea-16/2018, dated 13.04.2018 and consequential impugned order passed by the third respondent in C.No.E2/PR.44/2017/ in BO.No.202/2018, dated 15.02.2018 within a time stipulated by this Court.

2. Heard Mr.J.Vijayaraja, the learned counsel appearing for the petitioner and heard Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3. The petitioner was working as a Constable at the respondent Department and disciplinary proceedings have been initiated against him. Pursuant to which, the third respondent, being the disciplinary authority, by order dated 13.02.2018, inflicted the punishment of removal from service, as against which, the petitioner preferred an appeal to the second respondent, who, in turn, also confirmed the said punishment, by his order dated 13.04.2018. As against the said order of punishment, as confirmed by the appellate authority, the petitioner preferred a mercy petition to the first respondent on 07.05.2018 and the said mercy petition is still pending before the first respondent. Therefore, if a direction is given to the first respondent to consider and decide the same on merits and in accordance with law, within a time frame, the petitioner would be satisfied.

4. I have heard Mr.M.Murugan, learned Government Advocate appearing for the respondents, who would submit that pursuant to the said mercy petition, dated 07.05.2018 filed by the petitioner, the first respondent, on considering the same, directed the third respondent to forward the relevant service records of the petitioner along with the disciplinary proceedings to the first respondent for consideration and in response to the same, the third respondent had forwarded the files to the first respondent Office. Therefore, the learned Government Advocate appearing for the respondent would submit that the first respondent would consider the same on merits and an order to that effect be passed, within a time frame that may be stipulated by this Court.

5. Considering the said submission made by both sides and taking into account the limited scope of the writ petition, this Court is inclined to pass the following order:-

"that the first respondent is directed to consider the mercy petition filed by the petitioner, dated 07.05.2018 on merits and in accordance with law and an order to that effect shall be passed by the first respondent, within a period of eight weeks from the date of receipt of a copy of this order."



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

SD
ASSISTANT REGISTRAR (PROTOCOL)

TRUE COPY

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SUB ASSISTANT REGISTRAR (CS IV)

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To

1. The Director General of Police,
Tamilnadu Police Headquarters,
Chennai.
2. The Inspector General of Police,
Armed Police, Trichy Range,
Trichy District.
3. The Commandant,
Tamilnadu Special Police, I Battalion,
Trichy District.
4. The Inspector of Police,
Motor Transport Group,
Tamilnadu Special Police, I Battalion,
Trichy District.

1CC TO THE SPL GOVT PLEADER SR 74333

NM/SV/SAR IV/30.10.18/3P/6C.

W.P.(MD) No.15946 of 2018