



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.19120 of 2018

M.Nazar

... Petitioner

Vs.

1. The Director General of Police,
O/o.the Director General of Police,
Kamarajar Salai, Kailasapuram,
Mylapore, Chennai-5.

2. The Superintendent of Police,
O/o.the Superintendent of Police,
Sivagangai, Sivagangai Periyakulam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to dispose the mercy petition dated 13.08.2012 preferred by the petitioner U/r.15-A(1) (ii) of the TNPSS (D&A) Rules against the punishment order issued by the 2nd respondent in his proceedings dated 04.11.2009 on the light of communication forwarded by the 2nd respondent in his proceedings dated 13.08.2012 and 22.07.2016 and by considering the petitioner's representation dated 23.07.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.N.Tirumal Alagu

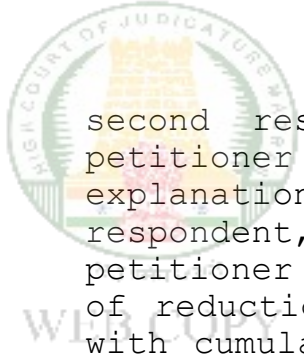
For Respondents : Mr.K.M.U.Muthu

Additional Government Pleader

O R D E R

The petitioner has preferred this petition seeking to dispose of the mercy petition filed by the petitioner under Section 15-A(1) (ii) of the TNPSS (D&A) Rules dated 13.08.2012.

2.The learned counsel for the petitioner would submit that the petitioner is working as Special Sub Inspector of Police at Singampunari Police Station. While the petitioner was working as Head Constable at Aravayal Police Station, due to his illness, he took leave for 21 days. After getting cured, when the petitioner approached the second respondent to join for duty, he was not allowed to join duty and he was instructed that he would be allowed to join duty after completion of an oral enquiry. While so, the



second respondent had issued a charge memo stating that the petitioner was unauthorizedly absent. Hence, he submitted his explanation for the charge memo issued against him. The second respondent, being not satisfied with the explanation adduced by the petitioner for the charge memo issued by him, imposed a punishment of reduction in the time scale of pay by two stages for one year with cumulative effect. Since the petitioner was not able to file an appeal within the prescribed time, he preferred a mercy petition to the first respondent. The same is not considered by the first respondent so far. Hence, the petitioner has come forward with the present writ petition with the above said prayer.

3. In view of the above, this Court is of the view that it is open to the authorities to consider the mercy petition filed by the petitioner and dispose of the same within a period of two months from the date of receipt of a copy of this order, since the petitioner has not preferred the appeal in time. It is made clear that this order will not give any right to the petitioner to take a plea in future that the mercy petition can be ordered to be treated as the one of the appeal, as the time for preferring appeal has already been elapsed.

4. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Director General of Police,
O/o.the Director General of Police,
Kamarajar Salai, Kailasapuram,
Mylapore, Chennai-5.

2. The Superintendent of Police,
O/o.the Superintendent of Police,
Sivagangai, Sivagangai Periyakulam.

+ 1 CC TO Mr.N.TIRUMAL ALAGU, ADVOCATE IN SR No. 82179
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82481

TA
TE/SV/SAR-2 : 29/11/2018 : 2P/5C

W.P. (MD) No.19120 of 2018
04.09.2018