

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1604 of 2019

S.Palanisamy

... Petitioner

Vs

1.The State of Tamil Nadu,
represented by its Secretary,
Department of Home,
Fort St. George,
Chennai - 600 009.

2.The Joint Commissioner of Police,
Commissioner's Office,
Vepery, Chennai - 600 007.

3.Easwari

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 25.09.2018 in accordance with law by reinstating the petitioner with service with backwages and attendant benefits to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu
For R1 & R2 : Mr.A.N.Thambidurai, SGP

ORDER

Seeking a direction to the respondents to consider the representation of the petitioner dated 25.09.2018, the petitioner has come up with the present writ petition.

2.According to the learned counsel for the petitioner, without following the due process of law, a charge memo was issued against the petitioner, based on the complaint lodged by the third respondent. Due to the same, he was inflicted with the punishment of removal from service vide order dated 07.08.2012 passed by the Deputy Commissioner of Police, Armed Reserve, Chennai. The said order was also confirmed by the Commissioner of Police, Armed Reserve, Chennai, vide order dated 06.05.2014. Hence, the petitioner made a representation dated 25.09.2018 to

the respondents requesting to reinstate him in service with backwages and attendant benefits. Finding no response on the said representation, he is before this court with the present writ petition.

3. Heard the learned Special Government Pleader taking notice for the respondents 1 and 2.

4. This Court is of the view that the petitioner, without challenging the punishment orders passed by the Deputy Commissioner of Police as well as the Commissioner of Police, Armed Reserve, Chennai, removing him from service, has approached this Court with the present writ petition, seeking a direction to the respondents to consider his representation with regard to reinstate him in service and consequential relief. Such a relief cannot be granted by this Court by way of mandamus.

5. Hence, this writ petition stands dismissed, however, granting liberty to the petitioner to challenge the punishment orders, in the manner known to law. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

To

1. The State of Tamil Nadu,
represented by its Secretary,
Department of Home,
Fort St. George,
Chennai - 600 009.

2. The Joint Commissioner of Police,
Commissioner's Office,
Vepery, Chennai - 600 007.

+1 CC to Govt. Pleader sr 8786.

+1 CC to Mr. R. Sankarasubbu, Advocate sr 8337.

W.P.No.1604 of 2019

SJ(CO)
SP(27/04/2019)