

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4485 of 2019
and
W.M.P.No.5067 of 2019

T.Ramanujam

..Petitioner

vs

1.The State,
Rep.by Secretary, Home Department
Fort St.George, Chennai - 600 009

2.The Commissioner,
The Disciplinary Proceedings Tribunal
Kuralagam, Chennai - 600 108

3.The Director General of Police
No.601, Dr.Radhakrishnan Salai
Mylapore, Chennai - 600 004

4.The Superintendent of Police
Cuddalore.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent Director General of Police to consider the Appeal/Representation of the Petitioner dated 13.04.2018.

For Petitioner : Mr.G.Thyagarajan

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the the 3rd respondent / Director General of Police to consider the Appeal/Representation of the Petitioner dated 13.04.2018.

2.The grievances of the writ petitioner is that on initiation of disciplinary proceedings against the writ petitioner, the authority competent referred the matter for enquiry by the Tribunal for disciplinary proceedings in TDP Case No.11 of 2014.

3.The learned counsel appearing on behalf of the writ petitioner states that the Tribunal for disciplinary proceedings conducted enquiry and submitted its report on 31.05.2017. Enclosing the copy of the report, the respondents sent a notice to the writ petitioner, providing an opportunity to submit his objections/explanations in respect of the findings of the enquiry report. The said Memorandum was issued in proceedings dated 15.06.2018. However, no final order has been passed for the past about eight months and thus, the writ petitioner is constrained to move the present writ petition.

4.This Court is of an opinion that on initiation of disciplinary proceedings, the authorities competent must ensure that the same is collected within a reasonable period of time and without causing any delay.

5.In the present case on hand, the Tribunal for disciplinary proceedings concluded the enquiry and submitted its report. The report had already been communicated to the writ petitioner also. The petitioner also submitted his explanations on 07.08.2018. Thus, the 3rd respondent/Director General of Police has to consider all the materials available on record and pass orders on merits and in accordance with law.

6.In this view of the matter, the 3rd respondent is directed to consider the explanations/objections submitted by the writ petitioner and the materials and the documents available on record, take a decision and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and all other relevant documents along with the order passed in the present writ petition.

7.With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary, Home Department
Fort St.George, Chennai - 600 009

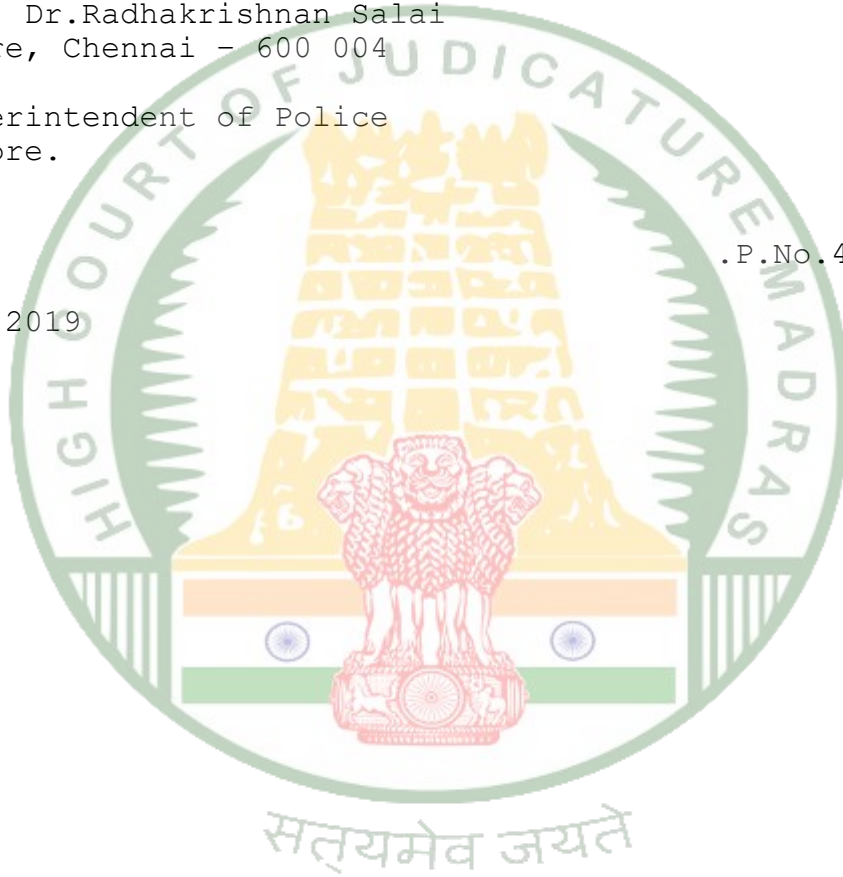
2.The Commissioner,
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Kuralagam, Chennai - 600 108

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Mylapore, Chennai - 600 004

4.The Superintendent of Police
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RK(CO)
CSL/12.03.2019



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