

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-02-2019

CORAM

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

W.P.No.4389 of 2018

S.Satheesh

... Petitioner

Vs

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-5.

2. The Principal/Commandant,
Police Training School,
TSP III Battalion,
Veerapuram,
In-charge of Temporary Police Training School,
TSP II Battalion,
Avadi, Chennai-65.

... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pass orders on the representation made by the petitioner dated 6.11.2017 to consider his claim for re-examination of his physical fitness and reinstatement him into service.

For Petitioner : Mr.K.Venkata Ramani,
Senior Counsel for
Mr.M.Muthappan

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader.

O R D E R

The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the petitioner on 6.11.2017 for re-examination of his physical fitness and for reinstatement.

2. The grievance of the writ petitioner is that he was not provided with an opportunity to explain the reason for medical fitness for the continuance of services in the Uniformed Force.

3. Admittedly, an order of appointment was issued in favour of the writ petitioner on 24.4.2013. The writ petitioner fell down, while he was undergoing training and on account of the fact that the competent authorities found that the writ petitioner is not medically fit, cancellation order was passed, cancelling the appointment already issued in proceedings dated 4.7.2013.

4. The appointment order was issued on 24.4.2013 and the medically unfit order, which is impugned in the present writ petition was passed on 4.7.2013. The writ petitioner submitted a representation to the first respondent on 6.11.2017 and the writ petition was filed on 26.2.2018. However, there is an enormous delay on the part of the writ petitioner in approaching this Court by way of filing the present writ petition. So also, there is delay in approaching the first respondent. Thus, the writ petition itself is to be rejected on the ground of laches.

5. However, taking note of the fact that the writ petitioner is a young person and already appointed as Grade-II Constable, the first respondent is directed to consider the representation submitted by the writ petitioner on 6.11.2017 and pass orders on merits and in accordance with law, as expeditiously as possible. However, the writ petition cannot be entertained on merits as the same is filed after a lapse of about five years from the date of passing of the order of cancellation of appointment in proceedings dated 4.7.2013.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-5.

2. The Principal/Commandant,
Police Training School,
TSP III Battalion, Veerapuram,
In-charge of Temporary Police Training School,
TSP II Battalion,
Avadi, Chennai-65.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.11029
+1cc to the Government Pleader, S.R.No.11901

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VBA (CO)
CS/06/03/2019