

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 6708 of 2019

and

W.M.P.No.7518 of 2019

R.Sundareswarapandian
S/o Mr.Rajachandrasekaran
Inspector of Police
Having permanent address at:
No. 195 C, 3rd Ward, Suruliyar Min Nilayam
Road, KG Patti, Cumbum,
Uthamapalayam Taluk, Theni District
Presently residing at
No. 4A, SI Quarters, TP Chathiram
Kilpauk Garden Road, Chennai - 600 010.

.. 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

Special Task Force, Erode

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 3rd respondent Director General of Police to consider the representation of the petitioner dated 25.11.2018.

For Petitioner : M/s.G.Thiyagarajan

For Respondents : M/s.P.Rajalakshmi

Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 3rd respondent Director General of Police to consider the representation of the petitioner, dated 25.11.2018, and pass orders.

2. The disciplinary proceedings were initiated against the writ petitioner and he participated in the process of enquiry. The case of the writ petitioner was referred to the tribunal for disciplinary proceedings and the Commissioner of disciplinary proceedings, Chennai, in TDP case No. 30 of 2014 submitted the final report and based on the final report, the 3rd respondent issued a Memorandum dated 15.06.2018, directing the writ petitioner to submit his further representation on the enquiry report within a period of 30 days from the date of receipt of a copy of this order.

3. The grievance of the writ petitioner is that he had already submitted his representation/objections on 25.11.2018 itself. However, no final order has been passed. On account of the pendency of the departmental disciplinary proceedings, the writ petitioner is deprived of his service benefits and therefore, the 3rd respondent has to consider the representation/objection and pass orders in the departmental proceedings.

4. Under these circumstances, this Court is of the opinion that on initiation of disciplinary proceedings, the authority competent must ensure that all such proceedings are concluded within a reasonable period of time. Long pendency of the disciplinary proceedings will cause prejudice to the service benefits and in the present case on hand, the enquiry report had already been submitted and the writ petitioner also submitted his representation for further adjudication on the enquiry report.

5. This being the factum of the case, without going in to the merits of the matter, the 3rd respondent is directed to consider the enquiry report as well as the representation submitted by the writ petitioner and take a decision and pass orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Kmm

To

1. The State

Rep by Secretary, Home Department

Fort St. George, Chennai - 600 009

2. The Commissioner
The Disciplinary Proceedings Tribunal
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3. The Director General of Police
No. 601, Dr.Radhakrishnan Salai
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Special Task Force, Erode

+1cc to M/s.G.Thiyagarajan, Advocate SR.No. 22538

+1 cc to Government Pleader SR.NO. 23622

W.P.No.6708 of 2019

A.SK(29/04/2019)