

IN THE HIGH COURT OF JUDICATURE AT MADRAS

28.08.2019

CORAM

THE HONOURABLE Mrs. JUSTICE V.PARTHIBAN

W.P. No.15888 of 2019

G.Tamilarasan

.. Petitioner

Vs.

The Director General of Police,  
Chennai-600 004

.. Respondent

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent herein to consider and pass orders on merits and in accordance with law on the representation of the petitioner dated 28.07.2017 with regard to reinstatement into service, as done in the case of one Mr.P.Karunanithi, Ex.PC 1807 of Trichy District in Rc.No.AP.IV (1)/235320/2006 dated 22.03.2007 within the stipulated time as fixed by this Court.

For Petitioner : Mr.G.Bala & Daisy

For Respondent : Mr.J.Pothiraj, Spl GP

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to direct the respondent herein to consider the representation of the petitioner dated 28.07.2017 and pass orders on merits and in accordance with law with regard to his reinstatement into service, as done in the case of one Mr.P.Karunanithi, Ex.PC 1807 of Trichy District in Rc.No.AP.IV (1)/235320/2006 22.03.2007 within the stipulated time as fixed by this Court.

2. The petitioner was working as Police Constable and he was removed from service on 01.04.2015 from the police force in terms of the service Regulations. As against the said order dated 01.04.2015, the petitioner filed a statutory appeal but the same came to be rejected vide order dated 27.07.2015. Against the rejection of the appeal, the petitioner has

submitted a representation dated 28.07.2017 to the respondent seeking for his reinstatement in service as per Rule 15 A of the Tamil Nadu Police subordinate Service Rules. However, till the date of filing of the Writ Petition, the representation was not disposed of and therefore, the petitioner is before this Court seeking for issuance of a Writ of Mandamus.

3. Mr.G.Bala, learned counsel appearing for the petitioner would submit that the respondent may be directed to dispose of the representation submitted by the petitioner sympathetically since he is only 30 years old and has get several years to serve the Government. Unfortunately, in view of petitioner's act of desertion, he was imposed with a harsh penalty viz., dismissal from service. Further, the appellate authority has also not considered the case of the petitioner sympathetically. Therefore, the learned counsel would urge this Court that a direction may be issued to the respondent to consider the case of the petitioner by taking into consideration the similar claims being allowed earlier by this Court in number of cases.

4. Upon notice, Mr.J.Pothiraj, learned Special Government Pleader entered appearance for the respondent and he would have no objection if a direction is issued to the respondent to pass orders on the representation submitted by the petitioner dated 28.07.2017 in accordance with law.

5. In view of the above submissions made by the learned counsel on the either side, the respondent is hereby directed to consider the representation dated 28.07.2017 said to have been submitted by the petitioner on merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. While considering the representation, the respondent shall take into consideration the family circumstances and the age of the petitioner and view the claim of the petitioner sympathetically and also see that there is any scope for imposing any other penalty other than dismissal or removal and compulsory retirement on the petitioner.

6. The Writ Petition is disposed of, accordingly. No costs.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

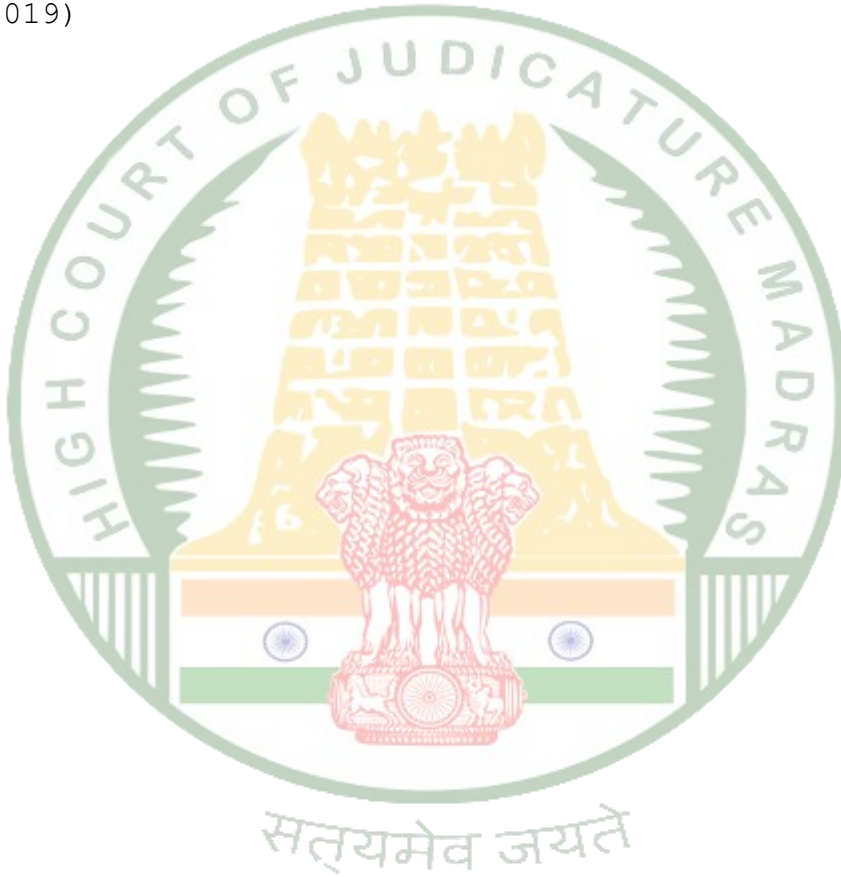
The Director General of Police,  
Chennai-600 004

+1 CC to Govt. Advocate sr 74643.

+1 CC to Mr.G.Bala & Daisy, Advocate sr 73902.

W.P. No.15888 of 2019

SP (15/10/2019)



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