

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 17248 of 2019

S. Gnanasekarapandian

..Petitioner

Vs

1.Director General of Police,
Law and Order
Chennai.

2.Additional Director General of Police,
Law and Order
Chennai.

3. Commissioner of Police,
Tirunelveli City,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to reinstate the petitioner in service considering the representation dated 17.11.2018 and confer all the consequential benefits.

For Petitioner : M/s. C.S. Associates.

For Respondent : Mr.A.N. Thambidurai, Spl.G.P

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to reinstate the petitioner in service considering the representation dated 17.11.2018 and confer all the consequential benefits.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner was appointed as appointed as Grade II Police Constable in the year

1988 and subsequently promoted as Head Constable in the year 2003. While in service, FIR was registered against the petitioner in Crime No.331/2006 and criminal proceedings also initiated against the petitioner which came to be concluded by the order of Criminal Court dated 17.08.2007 acquitting the petitioner from charges and the disciplinary authority imposed punishment of reduction in time scale of pay by 2 stages for one year without cumulative effect. The Additional General of Police suo-moto initiated action and called for explanation and the petitioner has also submitted explanation dated 20.03.2009. The Additional Director General of Police by an order dated 07.07.2009 has enhanced the punishment awarded by the disciplinary authority to compulsory retirement. Aggrieved against the said order, the petitioner has filed a writ petition in W.P. No.5803 of 2017 and this Court by its order dated 26.10.2018 confirmed the original order passed by the disciplinary authority and set aside the order of compulsory retirement passed by the Additional Director General of Police. Hence the petitioner made a representation dated 17.11.2018 to the Director General of Police for reinstating him into service in view of the order of this Court dated 26.10.2018 and the same still pending without consideration. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing for the petitioners has further submitted that it would suffice, if this Court issues direction to the respondents to consider and pass orders on the representation dated 17.11.2018 submitted by the Petitioner.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the 1st respondent to consider the request made by the petitioner and pass appropriate orders on merits and in accordance with law after affording due opportunities to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Director General of Police,
Law and Order
Chennai.

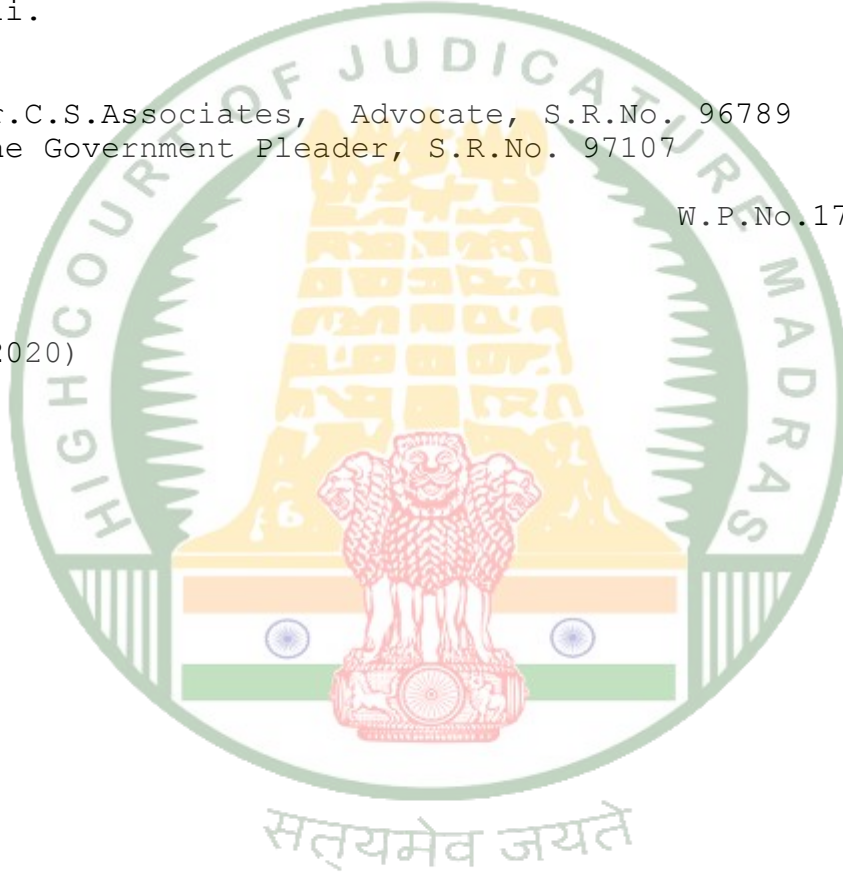
2.The Additional Director General of Police,
Law and Order
Chennai.

3. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

+1cc to Mr.C.S.Associates, Advocate, S.R.No. 96789
+1cc to the Government Pleader, S.R.No. 97107

W.P.No.17248 of 2019

SSD(CO)
GN(08/01/2020)



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