

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 33516 of 2018

and

M.P. No. 38893 of 2018

M.Pitchandy

... Petitioner

Vs.

1.The Additional Director General of Police/
Inspector General of Prisons, Chennai - 600 008.

2.The Superintendent of Prisons,
Central Prison-II, Puzhal,
Chennai - 600 066.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 19.04.2018 requesting for dropping the charges framed against him by the second respondent in Proceedings No.2683/G-3/2017-1, dated 03.05.2017 in the light of the earlier orders passed by the first respondent in proceedings No.37/CAMP/ADGP/2017 dated 20.05.2017.

For Petitioner

: Mr.P.Manoj Kumar

For Respondents

: Mr.A.N.Thambidurai
Special Government Pleader

WEB COPY

ORDER

The relief as such sought for in the present writ petition is for a direction to direct the first respondent to consider the petitioner's representation dated 19.04.2018 requesting for dropping the charges framed against him by the second respondent in Proceedings No.2683/G-3/2017-1, dated 03.05.2017 in the light of the earlier orders passed by the first respondent in proceedings No.37/CAMP/ADGP/2017 dated 20.05.2017.

2.The grievances of the writ petitioner is that the Additional Director General of Police / Inspector General of Prisons made a finding in favour of the writ petitioner that, he has not directly connected with the allegations set out in the charge memo issued against the writ petitioner in proceedings dated 03.05.2017. In this regard, the writ petitioner submitted a representation to the first respondent to consider his case for dropping the charges.

3.The learned counsel raised certain factual aspects in respect of the allegations, which cannot be considered by this Court in the writ jurisdiction under Article 226 of the Constitution of India.

4.Such a complex and disputed facts are to be adjudicated before the

Competent Authorities by producing original documents and by adducing evidences, if required. Thus, the merits raised, in this regard, deserves no adjudication in the present writ petition.

5. However, the learned counsel for the writ petitioner pointed out that the first respondent had considered the case of the writ petitioner with reference to certain facts and circumstances and he made a representation, once again, to consider his case for dropping all the allegations of the said representation and the same is pending.

6. Thus, without going into the merits of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 19.04.2018 and pass order on merits and in accordance with law and in the event of dropping the charges, the petitioner can be exonerate and if a decision is taken to reject the representation, then the Disciplinary Authority is at liberty to conduct departmental disciplinary proceedings and conclude the same as expeditiously as possible, without causing any undue delay.

S.M.SUBRAMANIAM, J.

may

7. With these directions, the writ petition stands disposed of. No costs.

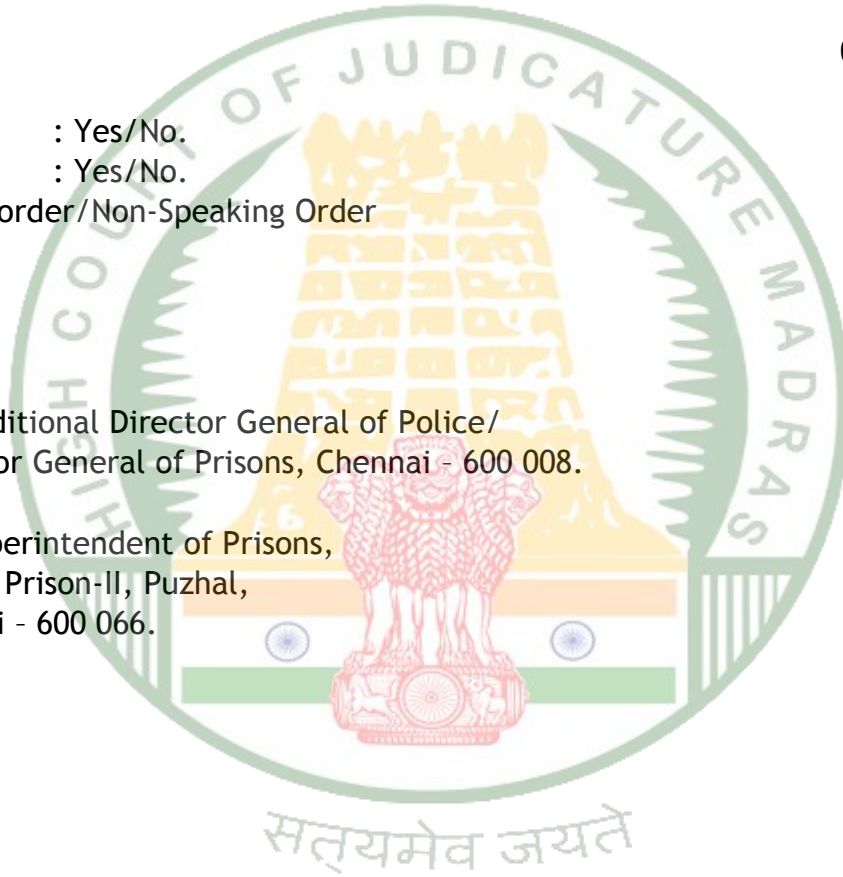
Consequently, connected miscellaneous petition is closed.

03.04.2019

Index : Yes/No.
Internet : Yes/No.
Speaking order/Non-Speaking Order
may

To

1. The Additional Director General of Police/
Inspector General of Prisons, Chennai - 600 008.
2. The Superintendent of Prisons,
Central Prison-II, Puzhal,
Chennai - 600 066.



WEB COPY

W.P. No. 33516 of 2018