



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

W.P. (MD) No.27138 of 2019

P.Immanuel Thangakumar

... Petitioner

/vs./

1.The Deputy Inspector General of Police
Tirunelveli Range
(Appellate Authority)
Tirunelveli

2.The Superintendent of Police
Tirunelveli District
Tirunelveli

3.The Deputy Superintendent of Police
IUCAW, Tirunelveli District
I/c.Cheranmahadevi Sub Division
Tirunelveli District

4.The Assistant Superintendent of Police
Office of the Assistant Superintendent of Police
Cheranmahadevi Sub Division
Cheranmahadevi, Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the first respondent to dispose of the petitioner's appeal dated 26.08.2019 filed under Rule 5 of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules 1955, within time frame fixed by this Court.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.R.Sethuraman

Additional Government Pleader

ORDER

This Writ petition has been filed for a direction to the first respondent to dispose of the petitioner's appeal, dated 26.08.2019 filed under Rule 5 of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules 1955, within a time frame to be fixed by this Court.

2.Mr.R.Sethuraman, learned Additional Government Pleader takes notice on behalf of the respondents. By consent of parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner would submit that the petitioner was appointed as Grade-I Police Constable under the Tamil Nadu Police Subordinate Service Rules. Now, he is working at Elathur



Police Station, Tirunelveli District. One Selvakumar lodged a complaint before the Inspector of Police, All Women Police Station, Srivaikundam, against the petitioner and three others. The averment of the complaint is that the petitioner got married with one Uma Maheswari without getting divorce for her. Without conducting proper enquiry, a case was registered in Crime No.2 of 2018 for the offence under Sections 294(b), 494 and 506(ii) I.P.C, in which, the petitioner was arrayed as Accused No.2. Hence, the petitioner filed a petition in Crl.O.P(MD).No.1908 of 2018 seeking to quash the proceedings in Crime No.2 of 2018 and this Court, by an order dated 12.02.2018, granted interim stay that not to file final report in the above Crime Number. Even though Crime No.2 of 2018 was stayed by this Court, the second respondent issued a Charge memo in his proceedings in C.No.P1/PR No.65/2018, dated 13.08.2018 under Rule 3 (b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 for the same allegation as mentioned in the said Crime No.2 of 2018 and appointed the third respondent as Enquiry Officer. Subsequently, the third respondent issued a memo dated 17.10.2018, calling upon the petitioner to attend the oral enquiry to be held on 27.10.2018. In this circumstance, the second respondent issued a charge memo. Against which, the petitioner filed a petition in W.P(MD).No.21856 of 2019 before this Court and it is pending. After completing the domestic enquiry, the punishment of Compulsory retirement has been ordered by the third respondent. Against which, the petitioner preferred an appeal before the first respondent. The grievance of the petitioner is that till date the appeal has not been disposed of by the first respondent. Hence, the petitioner has come up with the present Writ petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5.Considering the limited prayer sought for in the Writ petition, without advertng to the merits of the case, the first respondent is directed to dispose of the appeal, dated 26.08.2019 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



msa

To:

1.The Deputy Inspector General of Police
Tirunelveli Range
(Appellate Authority)
Tirunelveli

2.The Superintendent of Police
Tirunelveli District,Tirunelveli

3.The Deputy Superintendent of Police
IUCAW, Tirunelveli District
I/c.Charanmahadevi Sub Division
Tirunelveli District

4.The Assistant Superintendent of Police
Office of the Assistant Superintendent of Police
Cheranmahadevi Sub Division
Cheranmahadevi, Tirunelveli District

+1 CC to M/s.JEYAPPAUL ASSOCIATES, Advocate (SR-106258[F]
+1 CC to M/s.SPL.GP (SR-106487[F] dated 27/12/2019)

SMA/10/01/2020/3P/7C

Order made in
W.P. (MD) No.27138 of 2019
Dated:20.12.2019