

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.1869 of 2020

S. Kumaresan

... Petitioner

-Vs-

The director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai 600 004

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ, directing the respondent to pass orders on the mercy petition submitted by the petitioner dated 31.12.2019 for reinstatement into service within a reasonable time.

For Petitioner : Mr. M. Muthappan

For Respondent : Mr. K. Parameswaran
Government Advocate

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondent to pass orders on the mercy petition that was submitted by the petitioner on 31.12.2019.

2. The petitioner was working in the Armed Reserve Force. He was served with a desertion order on 26.08.2013. Subsequently, a charge memo was issued against the petitioner and after enquiry, an order came to be passed by the Superintendent of Police on 13.04.2015 imposing the punishment of stoppage of increment for a period of 3 years with cumulative effect.

3. Even after the above order was passed, the petitioner failed to report for duty and therefore, a subsequent order came to be passed on 12.06.2015 dismissing the petitioner from service.

4. The petitioner has preferred a mercy petition before the respondent on 31.12.2019 and he has approached this Court seeking for direction to the respondent to consider the mercy petition.

5. Heard Mr. M. Muthappan, learned counsel for the petitioner and Mr. K. Parameswaran, Government Advocate, learned counsel for respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this Writ Petition, there shall be a direction to the respondent to consider the mercy petition filed by the petitioner on 31.12.2019, on its own merits and strictly in accordance with law and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

bga

To

The director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai 600 004

+1cc to Mr.M.Muthappan, Advocate, S.R.No.6468
+1cc to the Government Pleader, S.R.No.7224

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GN(28/02/2020)

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