

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.10949 of 2020

P.Muthu

... Petitioner

Vs.

- 1.The Secretary to the Government,
Home Department,
Secretariat,
Fort St.George,
Chennai-600 009
- 2.The Director General of Police,
Law and Order Department,
Mylapore,
Chennai-600 004
- 3.The Addl.Director General of Police,
Armed Police,
Kilpauk,
Chennai-600 010
- 4.The Deputy Inspector General of Police,
Armed Police,
Kilpauk,
Chennai-600 010
5. The Commandant,
TSP VII Battalian,
Pochampalli,
Krishnagiri District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus, calling for the records pertaining to the proceedings of the 3rd respondent in C.No.C1/19199/2018, dated 25.06.2020 and to quash the same as illegal, incompetent and ultravires and consequently direct the 3rd respondent to dispose of the petitioner's statutory appeal dated 13.06.2020 on merits and in accordance with law within a time frame as stipulated by this Court.

For Petitioner: Mr.R.Jayaprakash

For Respondents: Mr.J.Ramesh
Additional Government Pleader

ORDER

The matter is taken up through web hearing.

2.The case of the petitioner is that he joined the Police Force as Police Constable Grade-II on 02.04.1981. He was promoted as a Havildar(MT) on 24.10.1995 and was further promoted as Sub-Inspector (MT) on 06.06.2005. Finally, the petitioner was promoted to the post of Inspector of Police (Motor Transport Officer) with effect from 21.10.2010. In 2018, the petitioner was issued with a charge-memorandum, dated 17.09.2018, under Rule 3(b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules alleging certain misappropriation. Thereafter, an enquiry was initiated into the charges and on conclusion of the enquiry and its findings, he was imposed with a penalty of 'compulsory retirement' vide order dated 26.02.2020 by the fourth respondent.

3.According to the petitioner, the order was received by him on 04.03.2020 and a statutory appeal was preferred to the third respondent on 13.06.2020. However, the appeal was rejected by the order of the third respondent on 25.06.2020 on the ground that the appeal was preferred not within the time stipulated under the Rules. The petitioner is therefore before this Court challenging the appellate order dated 25.06.2020 and consequently, to direct the appellate authority/the third respondent herein to dispose of his appeal dated 13.06.2020 on merits.

4.In this matter, notice was ordered and Mr.J.Ramesh, learned Additional Government Pleader entered appearance for the respondents.

5.Today, when the matter is taken up for hearing, the learned Additional Government Pleader, on instructions, would submit that the third respondent may be directed to dispose of the appeal on merits within the time to be stipulated by this Court and if such direction is issued, the same will be complied with. The learned counsel for the petitioner would also agreeable for such a direction, since the prayer itself is limited in its scope.

6.In view of the above submissions, the writ petition is disposed of with a direction to the appellate authority/third respondent to consider the appeal said to have been filed by the

petitioner, on 13.06.2020, and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The third respondent is also directed to take into consideration the points raised in the appeal by the petitioner while taking a decision in the appeal.

The writ petition is disposed of as indicated above. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

msk

To

- 1.The Secretary to the Government,
Home Department,
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- 2.The Director General of Police,
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- 3.The Addl.Director General of Police,
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4. The Deputy Inspector General of Police,
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Kilpauk,
Chennai-600 010
5. The Commandant,
TSP VII Battalion,
Pochampalli,
Krishnagiri District

+1 CC to Mr.R.Jayaprakash, Advocate sr 28943.

W.P.No.10949 of 2020

BP(CO)
SP(21/10/2020)